



State of Oregon Department of Environmental Quality

# Land Use Compatibility Statement

## What is a Land Use Compatibility Statement?

A LUCS is a form developed by DEQ to determine whether a DEQ permit or approval will be consistent with local government comprehensive plans and land use regulations.

## Why is a LUCS required?

DEQ and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and have a process for determining consistency. DEQ activities affecting land use and the requirement for a LUCS may be found in Oregon Administrative Rules (OAR) Chapter 340, Division 18.

## When is a LUCS required?

A LUCS is required for nearly all DEQ permits and certain approvals of plans or related activities that affect land use prior to issuance of a DEQ permit or approval. These permits and activities are listed in section 1.D on p. 2 of this form. A single LUCS can be used if more than one DEQ permit or approval is being applied for concurrently.

Permit modifications or renewals also require a LUCS when any of the following applies:

1. Physical expansion on the property or proposed use of additional land;
2. Alterations, expansions, improvements or changes in method or type of disposal at a solid waste disposal site as described in OAR 340-093-0070(4)(b);
3. A significant increase in discharges to water;
4. A relocation of an outfall outside of the source property; or
5. Any physical change or change of operation of an air pollutant source that results in a net significant emission rate increase as defined in OAR 340-200-0020.

## How to complete a LUCS:

Step	Who does it?	What happens?
1.	Applicant	Applicant completes Section 1 of the LUCS and submits it to the appropriate city or county planning office.
2.	City or County Planning Office	City or county planning office completes Section 2 of the LUCS to indicate whether the activity or use is compatible with the acknowledged comprehensive plan and land use regulations, attaches written findings supporting the decision of compatibility, and returns the signed and dated LUCS to the applicant.
3.	Applicant	Applicant submits the completed LUCS and any supporting information provided by the city or county to DEQ along with the DEQ permit application or approval request.

## Where to get help:

For questions about the LUCS process, contact the DEQ staff responsible for processing the permit or approval. DEQ staff may be reached at 1-800-452-4011 (toll-free, inside Oregon) or 503-229-5630. For general questions, please contact DEQ land use staff listed on our [Land Use CompatibilityStatement page](#) online.

## Cultural resources protection laws:

Applicants involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking, to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, ext. 232.

# Land Use Compatibility Statement

## Section 1 – To be completed by the applicant

1A. Applicant Name: Westwood Homes LLC

Contact Name: Todd Boyce

Mailing Address: 12700 NW Cornell Rd.

City, State, Zip: Portland, OR 97227`

Telephone: 503-713-6294

Tax Account #: 532212

1B. Project Name: Coburn Grand View Section C

Physical Address: 4200 Block of Strong Rd.

City, State, Zip: Salem, OR 97302

Tax Lot #: 1600

Township: 8S Range: 3W Section: 12B

Latitude: 44.892157

Longitude: -123.007208

1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):

Development of a phased subdivision including site grading, underground utilities, road construction, and home construction.

1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.

☐ Air Quality Notice of Construction

☐ Air Contaminant Discharge Permit

☐ Air Quality Title V Permit

☐ Air Quality Indirect Source Permit

☐ Parking/Traffic Circulation Plan

☐ Solid Waste Land Disposal Site Permit

☐ Solid Waste Treatment Facility Permit

☐ Solid Waste Composting Facility Permit  
(includes Anaerobic Digester)

☐ Conversion Technology Facility Permit

☐ Solid Waste Letter Authorization Permit

☐ Solid Waste Material Recovery Facility Permit

☐ Solid Waste Energy Recovery Facility Permit

☐ Solid Waste Transfer Station Permit

☐ Waste Tire Storage Site Permit

☐ Pollution Control Bond Request

☐ Hazardous Waste Treatment, Storage or  
Disposal Permit

☐ Clean Water State Revolving Fund Loan  
Request

☐ Wastewater/Sewer Construction Plan/  
Specifications (includes review of plan  
changes that require use of new land)

☐ Water Quality NPDES Individual Permit

☐ Water Quality WPCF Individual Permit (for  
onsite construction-installation permits use  
the DEQ [Onsite LUCS form](#))

☒ Water Quality NPDES Stormwater General  
Permit (1200-A, 1200-C, 1200-CA,  
1200-COLS, and 1200-Z)

☐ Water Quality General Permit (all general  
permits, except 600, 700-PM, 1700-A, and  
1700-B when they are mobile)

☐ Water Quality 401 Certification for federal  
permit or license

This application is for: ☐ Permit Renewal ☒ New Permit ☐ Permit Modification ☐ Other:

**Section 2 – To be completed by city or county planning official**Applicant name: **Westwood Homes LLC**Project name: **Coburn Grand View Section C**

Instructions: Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.

2A. The project proposal is located: ☒ Inside city limits ☐ Inside UGB ☐ Outside UGB2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use): **City of Salem**2C. ☒ This project is not within the jurisdiction of any other land use, zoning, or planning entity☐ This project is also within the jurisdiction of the following land use, zoning, or planning entity \_\_\_\_\_2D. Is the activity allowed under Measure 49 (2007)? ☒ No, Measure 49 is not applicable ☐ Yes, if yes, then check one:☐ Express; approved by DLCD order #:☐ Conditional; approved by DLCD order #:☐ Vested; approved by local government decision or court judgment docket or order #:

2E. Is the activity a composting facility?

☐ No ☐ Yes; Senate Bill 462 (2013) notification requirements have been met.

2F. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031?

Please complete this form to address the activity or use for which the applicant is seeking approval (see 1.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in 1C. For example, if the applicant's project is described in 1C. as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.

☐ The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:☐ Yes, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):☐ Yes, the activity or use is allowed outright by (provide reference for local ordinance):☒ Yes, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.☐ Yes, the activity or use is allowed; findings are attached.☐ No, see 2D. above, activity or use allowed under Measure 49; findings are attached.☐ No, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined):

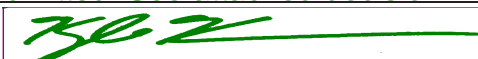
Relevant specific plan policies, criteria, or standards:

Provide the reasons for the decision:

Additional comments (attach additional information as needed):

**City of Salem site work and grading permits are required prior to ground-disturbing activity. Site work permits have not been submitted. See attached decision**

Planning Official Signature:

Title: **Planner II**Print Name: **Kyle Kearns**Telephone #: **503-540-2313**Date: **04/14/2022**

If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:

Planning Official Signature:

Title:

Print Name:

Telephone #:

Date:

**Alternative formats**

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005



*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**PHASED SUBDIVISION / CLASS 2 ADJUSTMENT CASE NO.: SUB-ADJ21-06**

**APPLICATION NO.: 21-103682-LD / 21-103366-ZO**

**NOTICE OF DECISION DATE:** June 7, 2021

**SUMMARY:** A consolidated application to create 177-lots for single family development, including 34 townhouses (Coburn Grand View Estates).

**REQUEST:** A consolidated application for a 177-lot phased subdivision (Coburn Grand View Estates) northeast of the intersection of Kuebler Boulevard SE and Battle Creek Road SE, containing the following requests:

- 1) A subdivision tentative plan to divide approximately 32.55 acres into 177 lots ranging in size from approximately 4,400 square feet to approximately 13,500 square feet, including "Alternative Street Standards" request to increase the street grade from 12% to 15% for nine street intervals less than 200-feet long and 52-foot right-of-way, where 60-feet is required for three proposed street;
- 2) Zoning Adjustment application to increase the Maximum Lot Depth standard of 300% the width for, Lots 34-53, Lots 55-62 and Lots 75-77 to approximately 700%, adjust Lot Depth for double frontage lots ~~75, 80-93~~ Lots 95-99 and 101-103 ~~Lots 107-109~~ from 120-feet to 118-feet; reduce the minimum lot width in the RM-II zone from 20-feet to 16.50-feet for Lots 35, 38, 41, 44, 47, 48, 51, 52, 56, 59, 62 & 77, and adjust the Lot Depth of Lot 27 from 70-feet to 30-feet.

The subject properties are approximately 32.5 acres, zoned RA (Residential Agriculture) and RM-II (Multiple Family Residential) and located on the 4400 Block of Road SE (Marion County Assessor Map and Tax Lot Numbers 083W12B / 1600, 083W12C / 700 and 083W11D / 200, 400, 601).

**APPLICANT:** Westwood Homes LLC (Todd Boyce, Bill Wagoner)

**LOCATION:** 4400 Block of Battle Creek Road SE, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapters 205.010(d) – Phased Subdivision; 250.005(d)(2) – Class 2 Adjustment

**FINDINGS:** The findings are in the attached Decision dated June 7, 2021.

**DECISION:** The **Planning Administrator APPROVED** Phased Subdivision and Class 2 Adjustment SUB-ADJ21-06 subject to the following conditions of approval:

**Prior to final any subdivision plat:**

**Condition 1:** The front property lines are designated below:

Corner Lot	Front Property Line
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15	West Property line abutting 'N' Street
26	West Property line abutting 'N' Street
27	East Property line abutting 'N' Street
28	South Property line abutting 'J' Ave
33	South Property line abutting 'J' Ave
63	West Property line abutting 'H' Street
64	East Property line abutting 'G' Street
69	South Property line abutting 'I' Street
70	North Property line abutting 'I' Ave
71	North Property line abutting 'I' Ave
78	North Property line abutting 'I' Ave
81	East Property line abutting 'K' Street or West Property line abutting 'M' Street
82	East Property line abutting 'M' Street
107	West Property line abutting 'B' Street
108	West Property line abutting 'B' Street
110	South Property line abutting 'C' Ave
127	East Property line abutting 'G' Street
131	North Property line abutting 'C' Ave
139	North Property line abutting 'C' Ave
141	North Property line abutting 'C' Ave
153	South Property line abutting 'E' Ave
154	North Property line abutting 'E' Ave

- Condition 2:** Lots 107-109 shall take access from Street 'M' and the west property line is the designated the front property line. No access to the higher classified street shall be allowed.
- Condition 3:** Lots 92-94 shall take access from Street 'M' and the south property line is the designated the front property line.
- Condition 4:** Paved width of accessway shall be 20-feet wide within a minimum of a 25-foot wide easement.
- Condition 5:** "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 6:** Prior to the issuance of building permits, the subject property shall have a favorable Airport Overlay zone height variance.
- Condition 7:** Prior to final plat, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.
- Condition 8:** All streets within the proposed subdivision shall meet 12 percent grade; with the exception of the five street sections, identified on the proposed tentative plan, which shall not exceed 15 percent.

- Condition 9:** Construct internal streets to Local Street standards, including property line sidewalks and installation of street trees. Proposed Streets K, M and N shall be a minimum of 52-feet in width, which includes a four-foot planter to accommodate street trees and sidewalks adjacent to one foot from property line.
- Condition 10:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all abutting and internal streets.
- Condition 11:** The 28-inch Fir Tree on the rear property line of Lot 110 and the two 40-inch Fir trees on Lot 108, near Strong Road shall be preserved, unless a Tree Conservation Plan Adjustment is approved.
- Condition 12:** All trees designated for preservation under the tree conservation plan shall be marked and protected with fencing under the dripline during all grading and construction activities. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single-Family dwelling or Two-Family dwelling.
- Condition 13:** Trees proposed for removal that are located within the right-of-way abutting streets shall follow the procedures of SRC Chapter 86.
- Condition 14:** All lots within the S-1 service level shall be served by S-1 water mains, and all lots within the S-2 service level shall be served by S-2 water mains.
- Condition 15:** Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in Water System Master Plan; or pay a Temporary Access Fee (TAF) pursuant to SRC 200.080(a). The TAF shall be \$12,000 per acre of land being developed within the S-1 service area as proportional payments within each section as specified below in each phase. (UGA17-03;4)
- Condition 16:** Dedicate a neighborhood park facility not less than 6.5 acres in size. (UGA17-03;5)
- Condition 17:** Demonstrate that the proposed subdivision conforms to the access requirements of the Oregon Fire Code by one of the following methods:
- (a) Provide written evidence from the Fire Marshal that the subdivision, as approved, does not exceed the maximum 30 dwelling units allowed to be served by a single fire apparatus road; or
  - (b) Provide written approval from the Fire Marshal allowing more than 30 dwelling units to be served by a single fire apparatus road subject to all of the dwelling units within the subdivision being equipped with an automatic sprinkler system; or
  - (c) The subdivision so that no more than 30 dwelling units will be served by a single fire apparatus road.

- Condition 18:** Demonstrate adequate Fire Department turn-arounds prior to final plat of each phase.
- Condition 19:** Prior to any plat, the applicant shall coordinate with Salem-Keizer Cherriots for a transit stop and provide evidence of the location of a future transit stop or a letter from Salem-Keizer Cherriots that no stop is needed in the vicinity.
- Condition 20:** Obtain applicable State and Federal permits as indicated by the Department of State Lands (DSL).
- Condition 21:** Section A shall be platted as Phase I.
- Condition 22:** Construct M Street SE from Battle Creek Road SE to N Street SE with Section A.

**Prior to plat of Section A:**

- Condition 23:** Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. Acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include:
- A westbound to southbound left turn lane on Reed Road SE;
  - A southbound to eastbound left turn lane on Battle Creek Road SE;
  - A northbound to eastbound right turn lane on Battle Creek Road SE; and
  - A pedestrian island on Battle Creek Road SE along the south side of the intersection. (UGA17-03;1)
- Condition 24:** Construct Battle Creek Road from Reed Road to M Street SE to a 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. (UGA17-03;1)
- Condition 25:** Construct Reed Road SE from Battle Creek Road SE to the north line of the subject property, at a minimum 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. The improvements shall include on-street parking and tapers. (UGA17-03;1)
- Condition 26:** Construct Mid-block pedestrian access as shown on the tentative subdivision plan, which shall be dedicated to the public. Where topography requires mid-block walkways to be constructed with stairs, the facility shall be owned and maintained by the homeowners' association.
- Condition 27:** The applicant shall provide mid-block pedestrian access along the west property lines of Lots 11 and 12 or on the abutting 'Storm Water Detention Facility #3'

- Condition 28:** Construct a minimum 18-inch S-1 water main in Reed Road SE from Strong Road SE to J Avenue SE. (UGA17-03;4)
- Condition 29:** Construct a minimum 18-inch S-1 water main in Section A from Reed Road/J Avenue SE to the westerly terminus of G Street SE and to the southerly Phase boundary in K Street SE. (UGA17-03;4)
- Condition 30:** Construct a minimum 12-inch S-1 water main in Reed Road SE from J Avenue SE to Battle Creek Road SE and in Battle Creek Road SE to M Street SE.
- Condition 31:** Construct a pedestrian access route along missing sections of sidewalk on the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE, or enter into a deferral agreement deferring the construction to a later time in conjunction with the Apartment Site project.
- Condition 32:** Pay \$191,849 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section B:**

- Condition 33:** Construct a minimum 18-inch water main in K Street SE within Section B from its terminus in Section A to the southern property line of lot 106.
- Condition 34:** Pay \$14,038 as the proportional amount of the water TAF. (UGA17-03;4)
- Condition 35:** Pay a temporary access fee of \$13,680 as proportional mitigation toward the future signal and interconnect located at Reed Road SE and Battle Creek Road SE.
- Condition 36:** Construct Mid-block pedestrian access as shown on the tentative subdivision plan, which shall be dedicated to the public. Where topography requires mid-block walkways to be constructed with stairs, the facility shall be owned and maintained by the homeowners' association.
- Condition 37:** The applicant shall be required to convey lot 106 for future construction of Coburn Reservoir (UGA17-03;4)

**Prior to plat of Section C:**

- Condition 38:** Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Strong Road SE.
- Condition 39:** Construct a 15-foot-wide half-street improvement on the development of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.
- Condition 40:** Construct a minimum 18-inch S-1 water main within Section C from its terminus in Section A to the intersection of Strong and A Street. (UGA17-03;4)



**Condition 41:** Pay \$86,566 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section D:**

**Condition 42:** Pay \$79,547 as the proportional amount of the water TAF. (UGA17-03;4)

**Condition 43:** If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. (UGA17-03;2)

The rights granted by the attached decision must be exercised, or an extension granted, by June 23, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>May 5, 2021</u>
Notice of Decision Mailing Date:	<u>June 7, 2021</u>
Decision Effective Date:	<u>June 23, 2021</u>
State Mandate Date:	<u>September 2, 2021</u>

**Case Manager:** Olivia Dias, Current Planning Manager, [ODias@cityofsalem.net](mailto:ODias@cityofsalem.net), 503-540-2343

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Tuesday, June 22, 2021. 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) 205 and 250. 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 Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission 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 by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(CASE NO. SUB-ADJ21-06)**

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173  
<http://www.cityofsalem.net/planning>*

**IN THE MATTER OF THE APPROVAL OF )  
CONSOLIDATED TENTATIVE SUBDIVISION )  
AND ADJUSTMENT )  
CASE NO. SUB-ADJ21-06 )  
4400 OF BATTLE CREEK ROAD SE )**

**FINDINGS AND ORDER**

**JUNE 7, 2021**

**REQUEST**

Summary: A consolidated application to create 177-lots for single family development, including 34 townhouses (Coburn Grand View Estates).

Request: A consolidated application for a 177-lot phased subdivision ("Coburn Grand View Estates") northeast of the intersection of Kuebler Boulevard SE and Battle Creek Road SE, containing the following requests:

- 1) A subdivision tentative plan to divide approximately 32.55 acres into 177 lots ranging in size from approximately 4,400 square feet to approximately 13,500 square feet, including "Alternative Street Standards" request to increase the street grade from 12% to 15% for nine street intervals less than 200-feet long and 52-foot right-of-way, where 60-feet is required for three proposed street;
- 2) Zoning Adjustment application to increase the Maximum Lot Depth standard of 300% the width for, Lots 34-53, Lots 55-62 and Lots 75-77 to approximately 700%, adjust Lot Depth for double frontage lots ~~75, 89-93~~ Lots 95-99 and 101-103 ~~Lots 107-109~~ from 120-feet to 118-feet; reduce the minimum lot width in the RM-II zone from 20-feet to 16.50-feet for Lots 35, 38, 41, 44, 47, 48, 51, 52, 56, 59, 62 & 77, and adjust the Lot Depth of Lot 27 from 70-feet to 30-feet.

The subject properties are approximately 32.5 acres, zoned RA (Residential Agriculture) and RM-II (Multiple Family Residential) and located on the 4400 Block of Road SE (Marion County Assessor Map and Tax Lot Numbers 083W12B / 1600, 083W12C / 700 and 083W11D / 200, 400, 601).

**PROCEDURAL FINDINGS**

1. On February 18, 2021, a consolidated application for a Tentative Subdivision Plan and Class 2 Adjustments was filed, proposing to divide a 32.5-acre property at 4400 Block Reed Road SE (**Attachment A**) into 177 lots.

2. After additional information was submitted the subdivision and adjustment applications were deemed complete for processing on May 5, 2021. Notice to surrounding property owners and tenants was mailed pursuant to Salem Revised Code on May 5, 2021.
3. The state-mandated local decision deadline for the subdivision and adjustment applications is to September 2, 2021.

## **SUBSTANTIVE FINDINGS**

### **1. Proposal**

The tentative plan proposes to divide the property into 177 lots for residential development (**Attachment B**), with lots ranging in size from 1,635 square feet to approximately 17,940 square feet. All lots within the subdivision are proposed to take access directly from internal public streets, with the exception of Lots 11 and 106, which are proposed as flag lots. The applicant's written findings are included as **Attachment C**.

The applicant has not proposed any specific phasing for the subdivision or residential development. The subject property is outside of the Urban Service Area, and a previously Urban Growth Area Preliminary Declaration Modification (UGA17-03) for the determination of public facilities required under the Urban Growth Management Program to develop was approved.

### **2. Existing Conditions**

#### Site and Vicinity

The subject property consists of four tax lots, approximately 32.5 acres in size. The subject property was created by several Property Line Adjustments reconfiguring an approximately 52-acre area. Property line adjustments reconfigured the subject property along with the multiple family area to the south and the proposed park along Battle Creek Road. The proposal is to subdivide approximately 32.5 acres located on the west of Strong Road SE, northeast of Battle Creek Road SE and east of Reed Road SE. The abutting portion of Strong Road is designated in the Salem Transportation System Plan (TSP) as a collector and Reed Road SE is designated a minor arterial.

The site is irregular, approximately 650 feet in width from west to east, and approximately 2,000 feet from north to south. The site is currently vacant and used as pasture for grazing. The site slopes uphill from the western boundary, rising from approximately 272 feet to 422 feet above sea level at the eastern property line. Environmental resource and natural hazard maps show wetlands on the portion of the property previously approved for a partition and to be used for a future park. The site does not have any floodplains on the subject property. An area of steeper slopes, indicating possible landslide hazard susceptibility, is shown on hazard maps near the center of the property.

The majority of the site was annexed into the City of Salem in July 1990, the portion of the property zoned RM-II was annexed previously in 1960. Hillcrest Youth Correctional Facility is located just north of the site, a future park is adjacent to the site to the west and large rural lots surround the remainder of the site.

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

*Urban Growth Policies:* The subject property is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

*Comprehensive Plan Map:* The subject property is designated “Developing Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Community Service Hospital  
South: Multiple Family  
East: Developing Residential  
West: (Across Reed Road SE); Mixed Use

#### Zoning and Surrounding Land Use

The subject properties are zoned RA (Residential Agriculture) and is vacant. The surrounding properties are zoned and used as follows:

North: PH (Public and Private Health Services); Oregon Youth Authority  
South: Multiple Family  
East: RA (Residential Agriculture); single family dwelling  
West: (Across Reed Road SE) FMU (Fairview Mixed use); vacant

#### Relationship to Urban Service Area

The subject property is outside of the City’s Urban Service Area. The properties have previously been approved for an Urban Growth Preliminary Declaration (UGA17-03).

#### Infrastructure

*Water:* The subject property is located in the S-1 and S-2 water service level.

The nearest adequate S-1 water main is located in Reed Road SE at Strong Road SE, approximately 2,000 feet north of the subject property.

The nearest S-2 water main is located in Battle Creek Road SE between Pringle Road SE and Kuebler Boulevard SE.

*Sewer:* A 15-inch public sewer line is located in Reed Road SE.

A 24-inch public sewer line is located in 27<sup>TH</sup> Avenue SE.

*Storm Drainage:* Drainage patterns in this area are generally convey stormwater into Pringle Creek. The property is on a ridge in which the drainage flows either to the northwest toward the West Middle Fork of Pringle Creek or northeast toward Strong Road SE or southeast toward Kuebler Boulevard SE.

*Streets:* Reed Road SE abuts the northwest boundary of the subject property. The Salem TSP designates the abutting portion of Reed Road is designated as a Minor Arterial in the Salem TSP.

- The standard for a Minor Arterial street is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- The abutting portion of Reed Road SE currently has an approximately 20-foot-wide improvement within a 40-foot-wide right-of-way.

Battle Creek Road SE abuts the west boundary of the subject property. Battle Creek Road SE is designated as a Minor Arterial street in the Salem TSP.

- The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- The abutting portion of Battle Creek Road SE currently has an approximately 20-foot to 46-foot-wide improvement within a 60-foot to 72-foot-wide right-of-way.

Strong Road SE abuts the west boundary of the subject property. Strong Road SE is designated as a Collector street in the Salem TSP.

- The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- The abutting portion of Strong Road SE currently has an approximately 20-foot to 30-foot-wide improvement within a 40-foot to 60-foot-wide right-of-way.

*Parks:* No parks facilities are available to serve the proposed development. The Comprehensive Parks System Master Plan shows that a Neighborhood Park (NP 32) and Urban Park (UP 3) are planned on or near the subject property.

### 3. Applicants Plans and Statement

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement provided by the applicant summarizing the request and addressing the applicable approval criteria, as well as the tentative subdivision plan illustrating the proposed development on the property, are attached to this report as follows:

- Tentative Subdivision Plan: **Attachment B**
- Applicant's Written Statement: **Attachment C**

### 4. 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.

### 5. Land Use History

- **Annexation Case No. C-710 (1990):** The City-initiated annexation of the subject property, which was then enclave territory surrounded by the City limits. The annexation became effective on March 26, 2016.
- **LLA98-27:** Relocation of a property line between Tax Lots 100 and 200, resulting in a 28.91-acre property and 1.43-acre property.
- **PLA10-19:** Relocation of a property line between Tax Lots 1499 and 1600, resulting in 44.6 acres and 17.7 acres.
- **UGA17-03:** Request to determine the public facilities and infrastructure required to develop 68.14 acres northeast of the intersection of Kuebler Boulevard SE and Battle Creek Road SE for single family residential development.
- **PAR18-08:** A tentative partition plan to divide approximately 29.57 acres into two parcels, with Parcel 1 consisting of 22.22 acres in size, and Parcel 2 consisting of 7.35 acres in size to be used for a future park.
- **VUL18-02:** To validate a unit of land (Tax Lot 601) that was created as separate tax lots through a sale by deed in 1998.
- **SUB-ADJ19-08:** A 209-lots for single family development (Coburn Grand View Estates). **SUB-ADJ21-06 will replace this subdivision approval.**
- **PLA20-24:** A property line adjustment to relocate the common property line between two abutting units of land reducing the size of Tax Lot 400 to 14.85 acres and increasing the size of Tax Lot 601 to 12.87 acres in size
- **PAR-ADJ21-06:** To divide approximately 17 acres into three parcels.

- **PAR-ADJ21-07:** To divide approximately 15 acres into two-parcels.

## 6. Public and Private Agency Review

**Public Works Department** – The Public Works Department, Development Services Section, reviewed the proposal and has provided their comments and recommendation for plat approval. Their memorandum is included as **Attachment D**.

**Fire Department** – The Fire Department submitted comments indicating that fire hydrants are not shown and are required to be provided within 600 feet of all portions of the structures. Fire Department access is required to be provided within 150 feet of all portions of the structures. Dead end Fire Department access roads over 150 feet require an approved turnaround, including temporary dead-end roads created by phasing. Two approved means of Fire Department access is required when the development exceeds 30 dwelling units.

**Staff Response:** Condition 17 and 18 requires the applicant demonstrate that fire apparatus access requirements are met by either providing written findings from the Fire Marshal that the proposed configuration does not result in greater than 30 dwelling units being served by a single fire apparatus road, obtaining written approval from the Fire Marshal granting an exception available when all dwelling units are equipped with sprinklers, or reconfiguring the subdivision to include less than 30 lots for dwelling units. Prior to final Plat adequate turn around locations will need to be provided to the satisfaction of the Fire Marshal.

**Building and Safety Division** – The Community Development Department, Building and Safety Division, submitted comments indicating no concerns with the proposal at this time.

**Salem-Keizer Public Schools** – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the elementary, and middle school levels to serve future development. The comments indicate that the high school is currently over capacity. The school district indicated that the subject property is outside of the “walk zone” of the assigned elementary, middle, and high schools and that students residing within the development would be eligible for transportation to assigned schools.

## 7. Neighborhood Association Comments

The subject property is within the Morningside Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” No comments were received from Morningside prior to the comment deadline.

## 8. Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed subdivision. According to the applicant the property is not part of a Homeowners Association. There were no comments submitted within the comment period.

## 9. Criteria for Granting Tentative Subdivision Plan Approval

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to Planning Administrator signing the final subdivision plat.

SRC Chapter 205.010(d) sets forth the criteria that must be met before approval can be granted to a subdivision request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the City Council's decision is based. The requirements of SRC 205.010(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

**SRC 205.010(d)(1): The tentative subdivision complies with all 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 proposed subdivision would divide the 32.5-acre property into 177 lots, rights-of-way for internal streets, and a public stormwater facility, with no remainder. The subject property is currently zoned RA (Residential Agriculture) and RM-II (Multiple Family Residential). Lot proposed in each zone are evaluated below:

SRC Chapter 514 (Multiple Family Residential): The proposed subdivision would divide the 2.7-acre of property into 34 lots. The minimum lot area requirements of the RM-II zone are established under SRC 514.010 as follows:

**(a) Land division in the RM-II zone.** Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.



**Finding:** The development site is 32.5 acres in size with 2.7 acres zoned RM-II, requiring a minimum 33 dwelling units and a maximum of 76 dwelling units. The 35 lots are proposed for townhouse development.

**(b) Lot Standards for RM-II zone** (see SRC Chapter 514, Table 514-2)

Requirement	Minimum Standard
Lot Area (Townhouses)	1,500 square feet
Lot Width (Townhouses)	20 feet
Lot Depth	70 feet 120 feet (Double Frontage) Max 300% of average lot width
Street Frontage (Townhouses)	20 feet

**Finding:** Proposed lots in the subdivision range from approximately 1,638 square feet to 17,940 square feet in size. Lots 34-53, Lots 55-62 and Lots 75-77 are proposed lots exceed maximum lot depth standards, set forth in SRC Chapter 514, Table 514-2 and to reduce the minimum lot width in the RM-II zone from 20-feet to 16.50-feet for Lots 35, 38, 41, 44, 47, 48, 51, 52, 56, 59, 62 & 77

The applicant has requested a Class 2 Adjustment to the maximum lot depth standard and minimum lot width standard, which is addressed below in Section 7. The remaining proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

**(c) Dwelling unit density.** Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3. Maximum dwelling unit density cannot be varied or adjusted.

Dwelling Density Unit	Standard	
Single Family, Two Family, Three Family, Four family and Multiple Family	Minimum	Maximum
	12 dwelling units per acre	28 dwelling units per acre

The development site is 32.5 acres in size with 2.7 acres zoned RM-II, requiring a minimum 33 dwelling units and a maximum of 76 dwelling units. The 33 lots are proposed for townhomes for at least one unit on each lot. Individual lots may meet standards for more than one dwelling unit, based on density in the zone. The remainder of the site is proposed for single family development as addressed below.

**Setback Requirements:** SRC Chapter 514 establishes the following setback standards for development within an RM-II (Multiple Family Residential) zone:

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

Setback requirements for future development will be reviewed at the time of application for building permits on individual lots.

SRC Chapter 511 (Single Family Residential): The proposed subdivision would divide the 32.5-acre property into 177 lots, rights-of-way for internal streets, and a public stormwater facility, with no remainder. The subject property is currently zoned RA (Residential Agriculture) and RM-II (Multiple Family Residential).

SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. This provision applies to the RA portion of the subject property. Because the zoning of the subject property will be changed to RS with the recording of the final subdivision plat, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the property being rezoned to RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

**Lot Standards for RS zone** (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Lot Depth (Double Frontage Lots)	120 feet
Street Frontage	40 feet

**Townhouses** (see SRC Chapter 700.085): Within the Residential Agriculture (RA), Single Family Residential (RS), and Duplex Residential (RD) Zones, not more than three townhouses, each on a separate platted lot, may be attached.

The applicant is not proposing townhouses within the Residential Agriculture (RA) zone.

Proposed lots in the subdivision range from 1,638 square feet to 17,940 square feet in size. The applicant is requesting an adjustment to the minimum lot depth to reduce lot width for Lots 75, 89-93 and 101-103 from 120-feet to 118-feet and Lot Depth of Lot 27 from 70-feet to 30-feet.

After further review Lot 75 is not a double frontage lot, meets the standards of the RS zone and does not need an adjustment. The Lots listed as Lots 89-93 were renumbered and are now **Lots 95-99**, which are proposed to be 118-feet, where 120-feet is required. Lots 101-103 were renumbered to **Lots 107-109**, which are proposed at 115-feet, where 120-feet are required, the adjustment is addressed below in Section 7.

With the exception of the above-mentioned lots, which is address below, the proposed lots meet or exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision, as conditioned, are also of sufficient size and dimension to permit future development of uses allowed within the zone.

**Setback Requirements:** SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family Residential) zone:

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

Setback requirements for future development on the proposed lots will be reviewed at the time of application for building permits on those individual parcels.

The proposal conforms to the requirements of SRC Chapter 511.

SRC Chapter 800 (General Development Standards):

*SRC 800.020 (Designation of Lot Lines):* SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. For lots that have frontage on a public street, other than corner lots, the front lot line shall be the property line that has frontage on the public street. Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. Provided that lot dimension requirements are met, the front lot line for a corner lot shall be the property line abutting a street provided by the building permit applicant.

With the exception of the lots listed below, the lots in the table below are corner lots, which do not meet lot depth requirement abutting both streets, which dictates which property line must be the front property line. Lots 14, 79, 80, 104, 138 and 146 are corner lots meeting the depth requirement abutting both streets. As conditioned below, those lots not meeting the lot depth from both streets will have the following front lot lines:

**Condition –** The front property lines are designated below:

Corner Lot	Front Property Line
15	West Property line abutting 'N' Street
26	West Property line abutting 'N' Street
27	East Property line abutting 'N' Street
28	South Property line abutting 'J' Ave
33	South Property line abutting 'J' Ave
63	West Property line abutting 'H' Street
64	East Property line abutting 'G' Street
69	South Property line abutting 'I' Street
70	North Property line abutting 'I' Ave
71	North Property line abutting 'I' Ave
78	North Property line abutting 'I' Ave
81	East Property line abutting 'K' Street or West Property line abutting 'M' Street
82	East Property line abutting 'M' Street
107	West Property line abutting 'B' Street
108	West Property line abutting 'B' Street
110	South Property line abutting 'C' Ave
127	East Property line abutting 'G' Street
131	North Property line abutting 'C' Ave
139	North Property line abutting 'C' Ave
141	North Property line abutting 'C' Ave
153	South Property line abutting 'E' Ave
154	North Property line abutting 'E' Ave

Lots 95-99 and 107-109 are double frontage lots. These lots abut a local street and a higher classification street (i.e. Collector or Arterial), therefore, the lots are required to take access to the local (interior) street. Lots 95-99 abut a local street on either side, which will allow access from either side of the lots. Lot 107-109 abut a Collector street and shall take access from the lower classified street, B Street. Therefore, the following condition applies:

**Condition** – Lots 107-109 shall take access from Street 'B' and the west property line is the designated the front property line.

Lots 105 and 106 are flag lots. SRC 800.020(a)(4) sets forth that, unless otherwise provided by the Planning Administrator, the front lot line for a flag lot shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street. Each lot meets the applicable lot dimensions if either the north or east property lines are designated as the front property line. Therefore, the front property line for both lots will be designated by the building permit applicant.

There are several lots that have rear property lines that abut the flag lot accessway. If these lots took access to the proposed flag lot accessway, it would exceed the number of users allowed on an accessway. Therefore, the following condition applies:

**Condition** – Lots 92-94 shall take access from Street 'M' and the west property line is the designated the front property line.

Subsection (c) establishes standards for flag lots and flag lot accessways. Pursuant to SRC Chapter 800, Table 800-1, flag lot accessways serving 1 to 2 lots must be a minimum of 20 feet in overall width and must be paved to a minimum width of 15 feet. Plans submitted by the applicant show a 25-foot-wide access easement on Lot 106, exceeding the standard set forth in subsection (c) and providing sufficient width for the required 15-foot-wide paved improvement. The flag lot accessway is large enough to serve 3-4 lot, if paved to a 20-foot width and could be used to serve the existing lot designated for the Coburn Reservoir, which requires the access to be paved to 20-feet. To ensure the accessway is adequately paved prior to plat the following condition applies:

**Condition** – Paved width of accessway shall be 20-feet wide within a minimum of a 25-foot wide easement.

Subsection (d) prohibits parking on flag lot accessways. In order to ensure that resident and emergency access remains unobstructed, the following condition shall apply:

**Condition** – "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

Subsection (e) limits the maximum number of flag lots within a subdivision to 15 percent of the proposed lots. The proposed subdivision includes two flag lots (Lots 11 and 106), or less than one percent of the total proposed lots, therefore meeting the standard provided in SRC 800.025(e).

SRC Chapter 602 (Airport Overlay Zone):

The property is within the “Horizontal Surface” section of the Airport Overlay zone. Within the Horizontal Surface portion of the overlay, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane of 150 feet above the airport elevation. The maximum height for structures within the RS (Single Family Residential) zone is 35 feet. The Salem Airport elevation is 210 feet above sea level. The highest elevation on the subject property is approximately 424 feet, which exceeds the 150-foot elevation limit within the “Horizontal Surface” overlay for the airport. Pursuant to SRC 602.025, an Airport Overlay Zone height variance is required to erect or increase the height in excess of the height limitations listed above. Each structure within the proposed subdivision will exceed the allowable elevation within the “Horizontal Surface”, for that reason the following condition shall apply:

**Condition** – Prior to the issuance of building permits, the subject property shall have a favorable Airport Overlay zone height variance.

**(A) City Infrastructure Standards.**

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 205 does not require submission of utility construction plans prior to tentative subdivision 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 plat approval without impeding service to the surrounding area.

SRC Chapter 71 (Stormwater): The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. To demonstrate that the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all lots. Since, the applicant’s engineer has not submitted a preliminary design report that demonstrates compliance with PWDS. Prior to final plat of all subdivision phases, the applicant shall provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

**Condition** – Prior to final plat, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program, detailed in SRC Chapter 200, requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to subdivision of property outside of the Salem Urban Service Area. The subject property is located outside the Urban Service Area and an application for an Urban Growth Preliminary Declaration for the subject

property is included as part of the consolidated application. As indicated by the Public Works Department, water, sewer, and stormwater infrastructure is available to serve the proposed development, subject to the requirements listed in the Urban Growth Preliminary Declaration. Pursuant to SRC 200.025(e), the developer must construct these improvements as a condition of approval for the tentative subdivision plan.

Subject to the conditions of approval of the corresponding Urban Growth Preliminary Declaration, the proposal meets the requirements of SRC Chapter 200.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo (Attachment D).

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards. The Schematic Utility Plan included in the proposal shows that each individual lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and Public Work Development Standards (PWDS). In order to ensure that appropriate public infrastructure is provided to each of the new lots created by the subdivision and extended to adjacent upstream parcels.

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

*SRC 803.015 (Traffic Impact Analysis):* The proposed 177-lot subdivision will generate more than 1,000 average daily vehicle trips to the abutting streets, designated in the Transportation System Plan as Minor Arterials, Collector and Parkway streets. A Transportation Impact Analysis (TIA) is required as part of the review of the tentative subdivision plan. The applicant submitted a TIA from Associated Transportation Engineering and Planning, Inc on June 20, 2018. The TIA requires turn lanes to be constructed at the Reed Road /Battle Creek Road intersection. No other mitigation is recommended. The Assistant City Traffic Engineer has determined that additional mitigation measures are necessary based on the volume of traffic being generated by the development.

Based on the TIA data, the applicant shall be required to construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS and acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. The new intersection shall include a westbound to southbound left turn lane on Reed Road SE, a southbound to eastbound left turn lane on Battle Creek Road SE, a northbound to eastbound right turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. The reconstruction and alignment of the intersection is needed to provide safe turning movement on to Reed Road SE for the additional 177 dwellings.

A signal will be warranted in the future at the Reed/Battle Creek intersection. Based on the TIA, the proposed development will add 32 PM peak hour vehicles to the Reed Road /Battle Creek Road intersection, which is a 3.04 percent increase because the intersection will have 1,056 vehicles at build-out during the PM peak hour. The applicant is required to pay a temporary access fee of 3.04 percent of the future signal and interconnect cost of \$450,000, which is \$13,680.

The following conditions are required to mitigate the traffic impacts:

**Condition** – Pay a temporary access fee of \$13,680 toward the future signal at Battle Creek Road SE and Reed Road SE.

*SRC 803.020 (Public and Private Streets):* The applicant proposes for all internal streets within the subdivision to be public streets.

*SRC 803.025 (Right-of-Way and Pavement Widths):* Strong Road SE abuts the west boundary of the subject property. Strong Road SE is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way. The abutting portion of Strong Road SE currently has an approximately 20-foot to 30-foot-wide improvement within a 40-foot to 60-foot-wide right-of-way. As conditioned below the development will dedicate right of way for Strong Road SE and construct a 15-foot-wide half-street improvement on the development of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

Reed Road SE and Battle Creek Road SE are designated as a Minor Arterial street in the TSP. Reed Road SE abuts the northwestern boundary of the subject property and Battle Creek Road SE the southern property line. Currently, Battle Creek Road SE and Reed Road SE do not meet Minor Arterial standards. The applicant will be required to convey for dedication half-width right-of-way equal to 36 feet from center line and construct a half-street improvement along the entire frontages to a Minor Arterial standard. A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet Public Works Design Standards.

Traffic Engineering Staff reviewed the Traffic Impact Analysis and determined that the street improvement shall include a westbound to southbound left turn lane on Reed Road SE, a southbound to eastbound left turn lane on Battle Creek Road SE, a northbound to eastbound right turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection to mitigate impacts. The Urban Growth Preliminary Declaration Permit 17-03 (UGA permit) and modification below identified the abutting streets as a requirement. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

The Urban Growth Preliminary Declaration (UGA17-03), the applicant proposed a neighborhood park within the development along Reed Road SE. Neighborhood parks



are generally located on local streets. Neighborhood park standards do not generally include a separate parking lot, but instead are served by on-street parking. The standard minor arterial street section includes bike lanes, but not parking. Therefore, the applicant is required to provide on-street parking along Reed Road SE in order to provide safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas to neighborhood activity centers within one-half mile of the development.

**Condition** – Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. Acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include:

- A westbound to southbound left turn lane on Reed Road SE;
- A southbound to eastbound left turn lane on Battle Creek Road SE;
- A northbound to eastbound right turn lane on Battle Creek Road SE; and
- A pedestrian island on Battle Creek Road SE along the south side of the intersection. (UGA17-03;1)

**Condition** – Construct Battle Creek Road from Reed Road to M Street SE to a 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. (UGA17-03;1)

**Condition** – Construct Reed Road SE from Battle Creek Road SE to the north line of the subject property, at a minimum 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. The improvements shall include on-street parking and tapers. (UGA17-03;1)

**Condition** – Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Strong Road SE.

**Condition** – Construct a 15-foot-wide half-street improvement on the development of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

The applicant is proposing an alternative street standard to increase the street grade from 12% to 15% for nine street intervals and 52-foot right-of-way, where 60-feet is required. Due to the slope in the general vicinity an alternative street standard to exceed 12% grade for short runs (less than 200 feet) is warranted. The proposed streets exceed the maximum 600-foot block length and provide a 52-foot wide right-of-way where a 60-foot is required.

**Condition** – The street areas shown on the Slope Exception Areas plan are approved as an alternative street standard pursuant to SRC 803.065 with slopes not exceeding 15 percent.

The applicant is proposing mid-block pedestrian access from K Street to the proposed park abutting Reed Road SE. Due to the slope in the area and with the mid-block pedestrian access the applicant is meeting the intent of SRC 803.030(a) with a pedestrian only access. The property located to the south of the subject property is zoned multiple family residential which will be served by the proposed park along Reed Road. Pedestrian access, which is not required to travel to Battle Creek Road would meet the intent of the 600-foot block length. To ensure the intent of the standard is met the following condition applies:

**Condition** – The applicant shall provide mid-block pedestrian access as shown on the tentative subdivision plan, which shall be dedicated to the public. Where topography requires mid-block walkways to be constructed with stairs, the facility shall be owned and maintained by the homeowners' association.

**Condition** – The applicant shall provide mid-block pedestrian access along the west property lines of Lots 11 and 12 or on the abutting 'Storm Water Detention Facility #3'

Construct internal streets to Local street standards, including property-line sidewalks and installation of street trees. Portions of future streets K, M, and N (as shown on the Slope Exception Areas plan) are approved as an alternative street standard pursuant to SRC 803.065 with required right-of-way width to equal 52 feet and a 4-foot-wide planter strip to accommodate street trees. The remainder of the subdivision streets meet street standards.

**Condition** – Construct internal streets to Local Street standards, including property line sidewalks and installation of street trees. Proposed Streets K, M and N shall be a minimum of 52-feet in width, which includes a four-foot planter to accommodate street trees and sidewalks adjacent to one foot from property line.

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. All internal streets will be constructed to Local Street standards as specified in the Salem TSP, with the exception Street K, M and N. The alternative street standards are approved as conditioned above and shown in the application. In addition, the property has several existing trees within the current right-of-way (Reed Road, Battle Creek Road and Strong Road), which will be preserved to the greatest extent possible as part of the boundary street improvements. An alternative street standard for the meandering of the future sidewalk along each boundary street is approved to accommodate the preservation of trees.

As conditioned, the proposal meets this requirement.

*SRC 803.030 (Street Spacing):* The applicant proposed mid-block pedestrian access from K Street to the proposed park abutting Reed Road SE. Due to the slope in the area and with the mid-block pedestrian access the applicant is meeting the intent of SRC 803.030(a). As conditioned above, an alternative street standard is approved. The remainder of the subdivision meets SRC 803.030.

*SRC 803.035 (Street Standards):* Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The subject property abuts vacant land to the north, south and east. The subdivision plan proposes to provide street connectivity to all adjacent properties, with a series of internal streets providing connectivity within the subject property.

As conditioned, the proposal meets the requirements of subsection (f). Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Comments from Portland General Electric, the franchise utility provider of electricity for the subject property, request a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

**Condition –** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all abutting and internal streets.

As conditioned, the proposal conforms to applicable street standards.

*SRC 803.040 (Boundary Streets):* Strong Road SE abuts the west boundary of the subject property. Strong Road SE is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way. The abutting portion of Strong Road SE currently has an approximately 20-foot to 30-foot-wide improvement within a 40-foot to 60-foot-wide right-of-way. As conditioned below the development will dedicate right of way for Strong Road SE and construct a 15-foot-wide half-street improvement on the development of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

Reed Road SE and Battle Creek Road SE are designated as a Minor Arterial street in the TSP. Reed Road SE abuts the northwestern boundary of the subject property and Battle Creek Road SE the southern property line. Currently, Battle Creek Road SE and Reed Road SE do not meet Minor Arterial standards. The applicant will be required to convey for dedication half-width right-of-way equal to 36 feet from center line and construct a half-street improvement along the entire frontage to a Minor Arterial standard. A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet PWDS.

This street improvement shall include a westbound to southbound left turn lane on Reed Road SE, a southbound to eastbound left turn lane on Battle Creek Road SE, a northbound to eastbound right turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. The Urban Growth Preliminary Declaration Permit 17-03MOD1 (UGA permit) identified the abutting streets as a requirement. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC

200.050. Boundary street improvements may be modified pursuant to SRC 803.065 as needed to avoid impacts to street trees.

As conditioned, the proposal conforms to applicable boundary street requirements.

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

SRC Chapter 808 (Preservation of Trees and Vegetation): 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 subdivision identifying a total of 192 trees on the property, 12 of which are significant oaks. There are no heritage trees and four riparian corridor trees the property.

The Tree Conservation Plan identifies 62 trees (32%) for preservation and 130 trees (68%) for removal.

Of the 130 trees proposed for removal, six are significant oaks which the applicant has identified for removal based on their location within either the future building envelopes of lots (*applicable to one of the six significant oaks*) or adjacent to required street and/or sidewalk improvements (*applicable to five of the six significant oaks*).

Staff determined that the two 28-inch Fir Trees on Lot 108 and the 28-inch Fir Tree on Lot 110 are located within a building setback and can be preserved. The applicant could apply for a Tree Conservation Plan Adjustment and provide additional finding on the necessity of removing the additional trees.

**Condition** – The 28-inch Fir Tree on the rear property line of Lot 110 and the two 40-inch Fir trees on Lot 108, near Strong Road shall be preserved, unless a Tree Conservation Plan Adjustment is approved.

**Condition** – All trees designated for preservation under the tree conservation plan shall be marked and protected with fencing under the dripline during all grading and construction activities. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one

inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single-Family dwelling or Two-Family dwelling.

The proposed tree conservation plan, as conditioned, preserves 33 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.

In addition to the trees located on the subject property, there are also trees located within the existing right-of-way along Battle Creek Road, Reed Road and Strong Road. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on the property. Because there are trees located within the existing right-of-way's which are not located on the property, they are not subject to the provisions of SRC Chapter 808 and are not counted toward the total number of trees on the site. These trees are instead considered trees on City owned property and subject to the provisions of SRC Chapter 86. All boundary streets (Reed Road, Battle Creek Road and Strong Road) are approved for an alternative street standard to meander the sidewalk to accommodate for street trees to be preserved. To ensure that the street trees are reviewed under SRC 86, the following condition applies:

**Condition –** Trees proposed for removal that are located within the right-of-way abutting streets shall follow the procedures of SRC Chapter 86.

SRC Chapter 809 (Wetlands): 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. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The Salem-Keizer Local Wetland Inventory (LWI) does identify wetlands and hydric soils on the proposed subdivision site. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025. The applicant shall obtain applicable State and Federal permits as indicated by the Department of State Lands (DSL).

**Condition –** Obtain applicable State and Federal permits as indicated by the Department of State Lands (DSL).

As conditioned, the tentative subdivision plan conforms to all applicable SRC Chapter 809 requirements.

SRC Chapter 810 (Landslide Hazards): 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 and SRC Chapter 810 Landslide Hazards, there are areas of landslide susceptibility on the subject property. There are 3 mapped site points for the property pursuant to SRC Chapter 810. The proposed subdivision adds three activity points to the proposal, which results in a total of 6 points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by Redmond Geotechnical Services and dated July 20, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property could be subdivided and developed with single-family dwellings, without increasing the potential for slope hazard on the site or adjacent properties.

**SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.**

**Finding:** The subdivision provides suitable lots for development of allowed uses in the RS zone and is generally precluded by existing and planned development from providing street connections to adjacent properties. The proposal is providing access and utilities to surrounding properties. The proposal meets this criterion.

As conditioned, the proposal meets this criterion.

**SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.**

**Finding:** Water and sewer infrastructure is available along the perimeter of the site or will be brought to the site pursuant to UGA17-03MOD1 and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. Conditions of approval require construction of water, sewer, and storm connections to serve each lot, street and cul-de-sac improvements, and dedication of a public utility easement to allow installation and maintenance of private utility infrastructure.

The nearest adequate water main is located in Reed Road SE at Strong Road SE, approximately 2,000 feet north of the subject property. The applicant shall be required to construct a minimum 18-inch S-1 water main from the Reed/Strong intersection through the subject property to Strong Road at Section A and to the Coburn Reservoir site. The proposal is located within two water service levels and to ensure adequate mains are extended to adequately serve the property and properties abutting the following condition applies:

**Condition –** All lots within the S-1 service level shall be served by S-1 water mains, and all lots within the S-2 service level shall be served by S-2 water mains

The Water System Master Plan specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. The subject property surrounds the site of the future Coburn Reservoir (tax lots 083W12C / 701 and 083W11D / 101). The existing reservoir site does not provide two acres of land needed for construction of the reservoir. As previously identified in UGA17-03, the applicant shall be required to convey Lot 106 for future construction of Coburn Reservoir.

Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a). In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a temporary access fee. The temporary access fee for this area of the S-1 service area is based on approximately nine million dollars of improvements needed to serve 750 acres, totaling \$12,000 per acre.

The total S-1 area for the subject property is 31.0 acres; therefore, the TAF shall be a total of \$372,000. The TAF has been apportioned to each section based on the number of lots being created in the S-1 area as shown in the following table:

Section	S-1 Lots	Percentage	TAF Amount
A	82	51.5	\$191,849
B	6	3.8	\$14,038
C	37	23.3	\$86,566
D	34	21.4	\$79,547

UGA17-03MOD1 require the following:

As a condition of development in the S-1 water service level, the applicant shall:

**Condition** – The applicant shall be required to convey lot 106 for future construction of Coburn Reservoir (UGA17-03;4)

**Condition** – Construct a minimum 18-inch S-1 water main in Reed Road SE from J Street SE to Strong Road SE and through the subject property to Strong Road SE at A Avenue and to Reservoir.

**Condition** – Construct a minimum 12-inch S-1 water main in Reed Road SE from J Street SE to Battle Creek Road SE and in Battle Creek Road SE from Reed Road SE to M Street SE.

Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in Water System Master Plan or pay a Temporary Access Fee (TAF) pursuant to SRC 200.080(a). The TAF shall be \$12,000 per acre of land being developed within the S-1 service area as proportional payments within each section as specified below (UGA17-03;4):

- Section A: Pay \$191,849 as the proportional amount of the water TAF.
- Section B: Pay \$14,038 as the proportional amount of the water TAF.
- Section C: Pay \$86,566 as the proportional amount of the water TAF.
- Section D: Pay \$79,547 as the proportional amount of the water TAF.

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 Utility Plan in the record indicates all lots will be served by sewer.

The Public Works Department reviewed the proposal for consistency with the Comprehensive Parks Master Plan Update and is not currently served by park facilities. The Comprehensive Parks System Master Plan shows that a Neighborhood Park (NP 32) and Urban Park (UP 3) are planned on or near the subject property. The applicant shall reserve property for dedication of neighborhood park facility NP-32 based on sizing criteria established in SRC 200.075(b) and as proposed in the application.

**Condition –** Dedicate a neighborhood park facility not less than 6.5 acres in size. (UGA17-03;5)

The City is in contract to purchase a 7.35-acre portion of the subject property for a future park, which would satisfy this condition.

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)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

The proposal meets this criterion.

**SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.**

**Staff Response:** As conditioned above the proposed street system meets TSP requirements. As proposed and conditioned, the tentative subdivision plan meets this criterion.

**SRC 205.010(d)(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.**

**Staff Response:** As conditioned above, boundary street improvements along the abutting portions of Battle Creek Road, Reed Road and Strong Road are required. In addition to the boundary improvement, internal circulation would be provided by new internal streets. The proposed network of boundary and internal streets serving the subdivision provides direct connections between all lots within the subdivision to the existing street network.



Comments from the Salem Fire Department indicate that more than 30 lots proposed for development of single-family residential dwellings are provided with one fire access road. Under the applicable section of the Oregon Fire Code, more than 30 dwellings on a single public or private fire apparatus access road can only be approved under an exception in which all dwelling units are equipped throughout with an approved automatic sprinkler system. The proposed phased subdivision will require dead-end streets to be created, which will require adequate Fire Department turnarounds.

In order to ensure that the subdivision is designed to provide for safe and efficient fire apparatus access, the following condition shall apply:

**Condition –** Demonstrate that the proposed subdivision conforms to the access requirements of the Fire Code by one of the following methods:

- (a) Provide written evidence from the Fire Marshal that the subdivision, as approved, does not exceed the maximum 30 dwelling units allowed to be served by a single fire apparatus road; or
- (b) Provide written approval from the Fire Marshal allowing more than 30 dwelling units to be served by a single fire apparatus road subject to all of the dwelling units within the subdivision being equipped with an automatic sprinkler system; or
- (c) The subdivision so that no more than 30 dwelling units will be served by a single fire apparatus road.

**Condition –** Demonstrate adequate Fire Department turn-arounds prior to final plat of each phase.

The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subdivided property will conform to the Salem Transportation System Plan, and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

**SRC 205.010(d)(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.

**Finding:** The proposed subdivision is situated within one-half mile of four neighborhood activity centers:

- Pringle Elementary School, a public elementary school located at 5500 Reed Lane SE, approximately one-half mile southwest of the closest lots within the proposed subdivision. Wes Bennett Park, a 4.43-acre neighborhood park located at 2200 Baxter Road SE, abuts the elementary school campus to the north.

- Commercial development located at the intersection of Boone Road SE and Battle Creek Road SE is approximately 1,300 feet west of the closest lots within the proposed subdivision and includes several office and mixed-use buildings.
- A portion of the subject property has received tentative approval to be partitioned for the City to acquire a 7.35-acre parcel, which will be developed at a park.
- Woodscape Linear Park, a 1.7-acre linear park located at 2433 Baxter Road SE, approximately 2,500 feet southwest of the closest lots within the proposed subdivision.
- Lee Elementary School, a public elementary school located at 5650 Venice Avenue SE, approximately one mile south of the closest lots within the proposed subdivision. Lee School Park, a 3.8-acre neighborhood park, abuts the elementary school campus to the north and east.
- Fairview Industrial Area, an employment center located approximately XX miles from the subject property. The area consists of Industrial and Commercial Uses, which provide employment opportunities in the area.
- Fairview Park, a 226.3-acre Community park located at 2200 Block Strong Road SE, approximately 0.30 west of the closest lots within the proposed subdivision.

The subject property is not currently served by park facilities. The Comprehensive Parks System Master Plan shows that a Neighborhood Park (NP 32) and Urban Park (UP 3) are planned on or near the subject property. The applicant shall reserve property for dedication of neighborhood park facility NP-32 based on sizing criteria established in SRC 200.075(b) and as proposed in the application.

As conditioned above, dedication of a neighborhood park facility not less than 6.5 acres in size is required by UGA17-03MOD1. The park facility shall be located along Pringle Creek in the vicinity of Marion County Tax Lot 083W11D / 200. The City is in contract to purchase a 7.35-acre portion of the subject property for a future park, which would satisfy this condition.

The nearest transit service available to the subject property near the corner of Boone Road and Battle Creek Road, by way of Salem Keizer Transit's Route 6 bus line. The existing transit stop would require pedestrian and bicycles to cross Kuebler Blvd, a Parkway, which over a half mile from the subject property. The need for public transportation to serve 177 single family dwellings, future approximately 13 acres of multiple family, in addition to the proposed development in the Fairview Master plan may be needed. To ensure public transportation can be provided to the proposed development the following condition applies:

**Condition** – Prior to any plat, the applicant shall coordination with Salem-Keizer Cherriots for a transit stop and provide evidence of the location of a future transit stop or a letter from Salem-Keizer Cherriots that no stop is needed in the vicinity.

There are no sidewalks along portions of the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE. Sidewalk improvements are required to provide safe pedestrian access to the proposed park being developed in conjunction with the proposed development. To ensure a safe connection to the future park proposed by the applicant the following condition applies:

**Condition** – Construct a pedestrian access route along missing sections of sidewalk on the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE, or enter into a deferral agreement deferring the construction to a later time in conjunction with the Apartment Site project.

The proposal meets this criterion.

The subject property will provide internal streets with safe and convenient bicycle and pedestrian access and provide boundary street improvements along the north of the subject property, connecting existing multi-modal transportation facilities with the internal street system of the subdivision. Although the immediate vicinity of the subject property includes sloping topography and large undeveloped properties, existing bicycle and pedestrian access to neighborhood activity centers is safe and convenient. The bicycle and pedestrian network in the vicinity is likely to improve as development occurs on surrounding properties. To ensure safe and convenient access for pedestrians and bicycles the following conditions apply:

**Condition** – Construct Mid-block pedestrian access as shown on the tentative subdivision plan, which shall be dedicated to the public. Where topography requires mid-block walkways to be constructed with stairs, the facility shall be owned and maintained by the homeowners' association.

**SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.**

**Finding:** The proposed 177-lot subdivision will generate more than 1,000 average daily vehicle trips to the abutting streets, designated in the Transportation System Plan as Minor Arterials and Collector. A Transportation Impact Analysis (TIA) is required as part of the review of the tentative subdivision plan. The Assistant City Traffic Engineer has determined that additional mitigation measures are necessary based on the volume of traffic being generated by the development.

*Strong Road SE abuts the west boundary of the subject property. Strong Road SE is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way. The abutting portion of Strong Road SE currently has an approximately 20-foot to 30-foot-wide improvement within a 40-foot to 60-foot-wide right-of-way. As conditioned below the development will dedicate right of way for Strong Road SE and construct a 15-foot-wide half-street improvement on the development of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.*

As conditioned above construction a realignment of the intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS and acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. The new intersection shall include a westbound to southbound left turn lane on Reed Road SE, a southbound to eastbound left turn lane on Battle Creek Road SE, a northbound to eastbound right turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. The reconstruction and alignment of the intersection is needed to provided safe turning movement on to Reed Road SE for the additional 177 dwellings.

A future signal will be warranted in the future at the Reed/Battle Creek intersection. The applicant is required to pay a temporary access fee of 3.04 percent of the future signal and interconnect cost of \$450,000, which is \$13,680.

The criterion is met.

**SRC 200.010(d)(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.**

**Finding:** The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The applicant submitted a tree conservation plan in conjunction with the proposed subdivision identifying a total of 192 trees on the property, twelve of which are significant oaks. There are no heritage trees or riparian corridor trees and vegetation located on the property.

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 subdivision identifying a total of 192 trees on the property, 12 of which are significant oaks. There are no heritage trees and four riparian corridor trees the property.

The Tree Conservation Plan identifies 62 trees (32%) for preservation and 130 trees (68%) for removal.

Of the 130 trees proposed for removal, six are significant oaks which the applicant has identified for removal based on their location within either the future building envelopes of lots (*applicable to one of the six significant oaks*) or adjacent to required street and/or sidewalk improvements (*applicable to five of the six significant oaks*).

Staff determined that the two 28-inch Fir Trees on Lot 108 and the 28-inch Fir Tree on Lot 110 are located within a building setback and can be preserved. The applicant could apply for a Tree Conservation Plan Adjustment and provide additional finding on the necessity of removing the additional trees.

The proposed tree conservation plan, as conditioned above, preserves 33 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.

In addition to the trees located on the subject property, there are also trees located within the existing right-of-way along Battle Creek Road, Reed Road and Strong Road. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on the property. Because there are trees located within the existing right-of-way's which are not located on the property, they are not subject to the provisions of SRC Chapter 808 and are not counted toward the total number of trees on the site. These trees are instead considered trees on City owned property and subject to the provisions of SRC Chapter 86. All boundary streets (Reed Road, Battle Creek Road and Strong Road) are approved for an alternative street standard to meander the sidewalk to accommodate for street trees to be preserved. To ensure that the street trees are reviewed under SRC 86, trees proposed for removal that are located within the right-of-way abutting streets shall follow the procedures of SRC Chapter 86.

As described in findings above, the lot and street configuration proposed by the applicant meets applicable development standards without the need for any variances. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC.

The proposal meets this criterion.

**SRC 200.010(d)(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.**

**Staff Response:** There are 3 mapped site points for the property pursuant to SRC Chapter 810. The proposed subdivision adds three activity points to the proposal, which results in a total of 6 points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by Redmond Geotechnical Services and dated July 20, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property could be subdivided and developed with single-family dwellings, without increasing the potential for slope hazard on the site or adjacent properties.

The streets and lots within the proposed subdivision have been arranged to preserve the natural topography and vegetation of the site to the maximum extent possible.

The proposal meets this criterion.

**SRC 200.010(d)(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.

**Finding:** The subject property is located outside of the Urban Service Area. To assure that major public facilities such as sewers, water, and streets are provided to the proposed site in accordance with the Salem Urban Growth Management Program, an Urban Growth Preliminary Declaration is required prior to development of the subject property. The site has previously received an Urban Growth Preliminary Declaration (UGA17-03MOD1). The tentative subdivision plan has been designed in a manner that ensures that the conditions requiring construction of on-site infrastructure in the approved Urban Growth Preliminary Declaration will occur.

**SRC 205.015(d)(2):** Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

**Finding:** The applicant has provided adequate evidence that each phase, after Section A is platted will have adequate utilities, and other public improvements. The section of M Street from Battle Creek Road SE to N Street SE is not within the Section A boundary but is necessary for Section A to have adequate connectivity. Therefore, the following applies:

**Condition –** Section A shall be platted as Phase I.

**Condition –** Construct M Street SE from Battle Creek Road SE to N Street SE with Section A.

The previous Urban Growth Preliminary Declaration permit required construction of Coburn Reservoir and Boone Road Pump Station.

Since the Coburn Reservoir and Boone Road Pump station is not built and there is temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station the applicant can pay a temporary access fee pursuant to SRC 200.080(a), in lieu of constructing Coburn Reservoir and Boone Road Pump Station. The temporary access fee (TAF) for this area of the S-1 service area is based on approximately nine million dollars of improvements needed to serve 750 acres of undeveloped land, totaling \$12,000 per acre. The total S-1 area for the subject property is 31 acres; therefore, the TAF shall be a total of \$372,000. The TAF has been apportioned to each section based on the number of lots being created in the S-1 area as shown in the following table:

Section	S-1 Lots	Percentage	TAF Amount
A	82	51.5	\$191,849
B	6	3.8	\$14,038
C	37	23.3	\$86,566
D	34	21.4	\$79,547

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. If off-site easements are needed and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

**SRC 205.015(d)(3): Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.**

**Finding:** The proposed phasing boundaries provide that each phase as platted in the order conditioned above will function as a standalone subdivision, while retaining logical connections to future development of the remaining phases. The conditions listed above are required based on phasing of the development, to ensure that each phase is substantially and functionally self-contained. The conditioned street improvements between Battle Creek Road and Section A phase line provide vehicle and pedestrian access and safety.

Based on the proposed phasing the following is the timing of each condition apply:  
**Prior to final any subdivision plat:**

**Condition 1:** The front property lines are designated below:

Corner Lot	Front Property Line
15	West Property line abutting 'N' Street
26	West Property line abutting 'N' Street
27	East Property line abutting 'N' Street
28	South Property line abutting 'J' Ave
33	South Property line abutting 'J' Ave
63	West Property line abutting 'H' Street
64	East Property line abutting 'G' Street
69	South Property line abutting 'I' Street
70	North Property line abutting 'I' Ave
71	North Property line abutting 'I' Ave
78	North Property line abutting 'I' Ave
81	East Property line abutting 'K' Street or West Property line abutting 'M' Street
82	East Property line abutting 'M' Street
107	West Property line abutting 'B' Street
108	West Property line abutting 'B' Street
110	South Property line abutting 'C' Ave
127	East Property line abutting 'G' Street
131	North Property line abutting 'C' Ave
139	North Property line abutting 'C' Ave
141	North Property line abutting 'C' Ave
153	South Property line abutting 'E' Ave
154	North Property line abutting 'E' Ave

- Condition 2:** Lots 107-109 shall take access from Street 'M' and the west property line is the designated the front property line. No access to the higher classified street shall be allowed.
- Condition 3:** Lots 92-94 shall take access from Street 'M' and the south property line is the designated the front property line.
- Condition 4:** Paved width of accessway shall be 20-feet wide within a minimum of a 25-foot wide easement.
- Condition 5:** "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 6:** Prior to the issuance of building permits, the subject property shall have a favorable Airport Overlay zone height variance.
- Condition 7:** Prior to final plat, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.
- Condition 8:** All streets within the proposed subdivision shall meet 12 percent grade; with the exception of the five street sections, identified on the proposed tentative plan, which shall not exceed 15 percent.
- Condition 9:** Proposed Streets K, M and N shall be a minimum of 52-feet in width, which includes a four-foot planter to accommodate street trees and sidewalks adjacent to one foot from property line. All other streets shall meet local street standards.
- Condition 10:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all abutting and internal streets.
- Condition 11:** The 28-inch Fir Tree on the rear property line of Lot 110 and the two 40-inch Fir trees on Lot 108, near Strong Road shall be preserved, unless a Tree Conservation Plan Adjustment is approved.
- Condition 12:** All trees designated for preservation under the tree conservation plan shall be marked and protected with fencing under the dripline during all grading and construction activities. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single-Family dwelling or Two-Family dwelling.



- Condition 13:** Trees proposed for removal that are located within the right-of-way abutting streets shall follow the procedures of SRC Chapter 86.
- Condition 14:** All lots within the S-1 service level shall be served by S-1 water mains, and all lots within the S-2 service level shall be served by S-2 water mains.
- Condition 15:** Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in Water System Master Plan; or pay a Temporary Access Fee (TAF) pursuant to SRC 200.080(a). The TAF shall be \$12,000 per acre of land being developed within the S-1 service area as proportional payments within each section as specified below in each phase. (UGA17-03;4)
- Condition 16:** Dedicate a neighborhood park facility not less than 6.5 acres in size. (UGA17-03;5)
- Condition 17:** Demonstrate that the proposed subdivision conforms to the access requirements of the Oregon Fire Code by one of the following methods:
- (a) Provide written evidence from the Fire Marshal that the subdivision, as approved, does not exceed the maximum 30 dwelling units allowed to be served by a single fire apparatus road; or
  - (b) Provide written approval from the Fire Marshal allowing more than 30 dwelling units to be served by a single fire apparatus road subject to all of the dwelling units within the subdivision being equipped with an automatic sprinkler system; or
  - (c) The subdivision so that no more than 30 dwelling units will be served by a single fire apparatus road.
- Condition 18:** Demonstrate adequate Fire Department turn-arounds prior to final plat of each phase.
- Condition 19:** Prior to any plat, the applicant shall coordinate with Salem-Keizer Cherriots for a transit stop and provide evidence of the location of a future transit stop or a letter from Salem-Keizer Cherriots that no stop is needed in the vicinity.
- Condition 20:** Obtain applicable State and Federal permits as indicated by the Department of State Lands (DSL).
- Condition 21:** Section A shall be platted as Phase I.
- Condition 22:** Construct M Street SE from Battle Creek Road SE to N Street SE with Section A.

**Prior to plat of Section A:**

- Condition 23:** Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. Acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include:
- A westbound to southbound left turn lane on Reed Road SE;
  - A southbound to eastbound left turn lane on Battle Creek Road SE;
  - A northbound to eastbound right turn lane on Battle Creek Road SE; and
  - A pedestrian island on Battle Creek Road SE along the south side of the intersection. (UGA17-03;1)
- Condition 24:** Construct Battle Creek Road from Reed Road to M Street SE to a 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. (UGA17-03;1)
- Condition 25:** Construct Reed Road SE from Battle Creek Road SE to the north line of the subject property, at a minimum 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. The improvements shall include on-street parking and tapers. (UGA17-03;1)
- Condition 26:** Construct Mid-block pedestrian access as shown on the tentative subdivision plan, which shall be dedicated to the public. Where topography requires mid-block walkways to be constructed with stairs, the facility shall be owned and maintained by the homeowners' association.
- Condition 27:** The applicant shall provide mid-block pedestrian access along the west property lines of Lots 11 and 12 or on the abutting 'Storm Water Detention Facility #3'
- Condition 28:** Construct a minimum 18-inch S-1 water main in Reed Road SE from Strong Road SE to J Avenue SE. (UGA17-03;4)
- Condition 29:** Construct a minimum 18-inch S-1 water main in Section A from Reed Road/J Avenue SE to the westerly terminus of G Street SE and to the southerly Phase boundary in K Street SE. (UGA17-03;4)
- Condition 30:** Construct a minimum 12-inch S-1 water main in Reed Road SE from J Avenue SE to Battle Creek Road SE and in Battle Creek Road SE to M Street SE.

**Condition 31:** Construct a pedestrian access route along missing sections of sidewalk on the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE, or enter into a deferral agreement deferring the construction to a later time in conjunction with the Apartment Site project.

**Condition 32:** Pay \$191,849 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section B:**

**Condition 33:** Construct a minimum 18-inch water main in K Street SE within Section B from its terminus in Section A to the southern property line of lot 106.

**Condition 34:** Pay \$14,038 as the proportional amount of the water TAF. (UGA17-03;4)

**Condition 35:** Pay a temporary access fee of \$13,680 as proportional mitigation toward the future signal and interconnect located at Reed Road SE and Battle Creek Road SE.

**Condition 36:** Construct Mid-block pedestrian access as shown on the tentative subdivision plan, which shall be dedicated to the public. Where topography requires mid-block walkways to be constructed with stairs, the facility shall be owned and maintained by the homeowners' association.

**Condition 37:** The applicant shall be required to convey lot 106 for future construction of Coburn Reservoir (UGA17-03;4)

**Prior to plat of Section C:**

**Condition 38:** Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Strong Road SE.

**Condition 39:** Construct a 15-foot-wide half-street improvement on the development of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

**Condition 40:** Construct a minimum 18-inch S-1 water main within Section C from its terminus in Section A to the intersection of Strong and A Street. (UGA17-03;4)

**Condition 41:** Pay \$86,566 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section D:**

**Condition 42:** Pay \$79,547 as the proportional amount of the water TAF. (UGA17-03;4)

**Condition 43:** If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. (UGA17-03;2)

**SRC 205.015(d)(4): Each phase is designed in such a matter that all phases support the infrastructure requirements for the phased subdivision as a whole.**

**Staff Response:** The proposed configuration of lots and streets within each phase, as conditioned above, are designed to provide for efficient connection of utilities and other infrastructure. The design with phasing conditioned above, will support the orderly and efficient extension of utilities to remaining phases effectively ensures that infrastructure requirements are supported for the phased subdivision as a whole.

The proposal meets this criterion.

As proposed and conditioned, the tentative phased subdivision plan meets all applicable approval criterion contained in SRC Chapter 205.

**10. Criteria for Granting a Class 2 Adjustment**

**SRC 250.005(d)(2)(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.**

**Criterion 1:**

**A change in the circumstances has occurred which has the effect of making the list of required public facilities inappropriate or inadequate.**

**Finding:**

**Maximum Lot Depth standard of 300% the width for Lots 34-53, Lots 55-62 & Lots 75-77**

The intent and purpose of the maximum lot depth standard is to provide for future buildable lots, which can maintain property line setbacks. The maximum lot depth is 300 percent of the average width of the lot, which prevents narrow lots, ensures they can have adequate open space on the side yards, maintains the side yard setback and to consider future development of potential lots. The proposal is to develop townhouses which will be required to be attached, eliminating the setback between some dwellings and will provide for additional open space and separation in the front or rear of the property, equally or better meeting the standard.

*Lot Depth for double frontage: Lots 75, 89-93 and 101-103 from 120-feet to 118-feet and Lot Depth of Lot 27 from 70-feet to 30-feet*

Lots 75 is not a double frontage lot, meets the standards of the RS zone and does not need an adjustment. The Lots listed as Lots 89-93 were renumbered and are not Lots 95-99, which are proposed to be 118-feet, where 120-feet is required. Lots 101-103 were renumbered to Lots 107-109, which are proposed at 115-feet, where 120-feet are required.

Within the RS (Single Family Residential) zone, double frontage lots with street frontage adjacent to both their front and rear property lines are required to have a minimum lot depth of 120 feet pursuant to SRC 511.010(a), Table 511-2. The underlying purpose of this standard is to ensure that lots that have street frontage adjacent to both their front and rear property lines have an increased lot depth to provide potential for additional privacy and separation from the street, which is of greater importance for lots abutting collector and arterial streets which convey greater levels of traffic. The reduction to the lot depth is to allow adequate connectivity through the subdivision and to vacant adjacent properties. The reduction of five feet or less is equally providing the amount of distance between streets and proposed dwellings.

The location of "J Street" cannot be moved south due to the location of the future park, previously approve to be partitioned (PAR18-08). This makes Lot 27 extremely long in depth and teardrop shaped. Lot 27 is over 10,000 square feet in size, greatly exceeding the minimum parcel size of the RS zone. Due to the long narrow layout of the property, the width of the lot is approximately 59-feet, when measured pursuant to SRC 112. The long narrow portion of the lot cannot be built on and is likely to be landscaping. Lot 89 does have a depth of approximately 87-feet at its widest point which provides adequate space for a future dwelling.

*Lot Width in the RM-II zone from 20-feet to 16.50-feet for Lots 35, 38, 41, 44, 47, 48, 51, 52, 56, 59, 62 & 77*

The intent and purpose of the maximum lot width standard is to provide for future buildable lots, which can maintain property line setbacks. The minimum lot width is 20-feet for townhouse development, which provides for narrower lots. In order for the applicant to meet the minimum density of the RM-II zone, the amount of lots which are required results in narrow lots. The proposal is to develop townhouses which will be required to be attached, eliminating the setback between some dwellings and will provide for additional open space and separation in the front or rear of the property, equally or better meeting the standard.

**Criterion 2:**

**The proposed amendment does not simply reduce the developer's costs by shifting construction to later phases or to another developer or the public, unless the benefits received by such other developer and the public are significantly increased.**

**Finding:** As described above, the adjustments are to allow single family dwelling and townhouse development to be constructed on lots in a manner that would alleviate future need to reduce setbacks. The adjustment would allow the lot to be developed in a similar way as the surrounding properties, meeting this criterion.

**Criterion 3:**

**The proposed amendment does not simply reduce the developer's costs by shifting construction to later phases or to another developer or the public, unless the benefits received by such other developer and the public are significantly increased.**

**Finding:** The three adjustments requested by the applicant relate to creation of townhouse lots and a separate lot for single family. The adjustments allow the subject property to be developed with a single-family residential subdivision. Therefore, the cumulative effect of the adjustments is to allow development which is consistent with the overall purpose of the RA (Residential Agriculture) and RM-II (Multiple Family Residential) zones.

Any future development, beyond what is shown in the proposed plans, needs to meet all applicable development standards of Salem Revised code, unless adjusted through a future land use action.

## **11. Conclusion**

Based upon review of SRC Chapter 205.005, and SRC 250.005, the findings contained under Sections 6 and 7 above, and the comments described, the consolidated application complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

### **IT IS HEREBY ORDERED**

That consolidated Subdivision, and Class 2 Adjustment No. SUB-ADJ21-06, which includes the following requests:

- 1) A subdivision tentative plan to divide approximately 32.55 acres into 177 lots ranging in size from approximately 4,400 square feet to approximately 13,500 square feet, including "Alternative Street Standards" request to increase the street grade from 12% to 15% for nine street intervals less than 200-feet long and 52-foot right-of-way, where 60-feet is required for three proposed street;
- 2) Zoning Adjustment application to increase the Maximum Lot Depth standard of 300% the width for, Lots 34-53, Lots 55-62 and Lots 75-77 to approximately 700%, adjust Lot Depth for double frontage lots 75, 89-93 Lots 95-99 and 101-103 Lots 107-109 from 120-feet to 118-feet; reduce the minimum lot width in the RM-II zone from 20-feet to 16.50-feet for Lots 35, 38, 41, 44, 47, 48, 51, 52, 56, 59, 62 & 77, and adjust the Lot Depth of Lot 27 from 70-feet to 30-feet.

The subject properties are approximately 32.5 acres, zoned RA (Residential Agriculture) and RM-II (Multiple Family Residential) and located on the 4400 Block of Road SE (Marion County Assessor Map and Tax Lot Numbers 083W12B / 1600, 083W12C / 700 and 083W11D / 200, 400, 601).

- A. The Tentative Subdivision plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:
- B. The Class 2 Adjustment applications are **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

**Prior to final any subdivision plat:**

**Condition 1:** The front property lines are designated below:

Corner Lot	Front Property Line
15	West Property line abutting 'N' Street
26	West Property line abutting 'N' Street
27	East Property line abutting 'N' Street
28	South Property line abutting 'J' Ave
33	South Property line abutting 'J' Ave
63	West Property line abutting 'H' Street
64	East Property line abutting 'G' Street
69	South Property line abutting 'I' Street
70	North Property line abutting 'I' Ave
71	North Property line abutting 'I' Ave
78	North Property line abutting 'I' Ave
81	East Property line abutting 'K' Street or West Property line abutting 'M' Street
82	East Property line abutting 'M' Street
107	West Property line abutting 'B' Street
108	West Property line abutting 'B' Street
110	South Property line abutting 'C' Ave
127	East Property line abutting 'G' Street
131	North Property line abutting 'C' Ave
139	North Property line abutting 'C' Ave
141	North Property line abutting 'C' Ave
153	South Property line abutting 'E' Ave
154	North Property line abutting 'E' Ave

**Condition 2:** Lots 107-109 shall take access from Street 'M' and the west property line is the designated the front property line. No access to the higher classified street shall be allowed.

- Condition 3:** Lots 92-94 shall take access from Street 'M' and the south property line is the designated the front property line.
- Condition 4:** Paved width of accessway shall be 20-feet wide within a minimum of a 25-foot wide easement.
- Condition 5:** "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 6:** Prior to the issuance of building permits, the subject property shall have a favorable Airport Overlay zone height variance.
- Condition 7:** Prior to final plat, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.
- Condition 8:** All streets within the proposed subdivision shall meet 12 percent grade; with the exception of the five street sections, identified on the proposed tentative plan, which shall not exceed 15 percent.
- Condition 9:** Construct internal streets to Local Street standards, including property line sidewalks and installation of street trees. Proposed Streets K, M and N shall be a minimum of 52-feet in width, which includes a four-foot planter to accommodate street trees and sidewalks adjacent to one foot from property line.
- Condition 10:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all abutting and internal streets.
- Condition 11:** The 28-inch Fir Tree on the rear property line of Lot 110 and the two 40-inch Fir trees on Lot 108, near Strong Road shall be preserved, unless a Tree Conservation Plan Adjustment is approved.
- Condition 12:** All trees designated for preservation under the tree conservation plan shall be marked and protected with fencing under the dripline during all grading and construction activities. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single-Family dwelling or Two-Family dwelling.
- Condition 13:** Trees proposed for removal that are located within the right-of-way abutting streets shall follow the procedures of SRC Chapter 86.



- Condition 14:** All lots within the S-1 service level shall be served by S-1 water mains, and all lots within the S-2 service level shall be served by S-2 water mains.
- Condition 15:** Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in Water System Master Plan; or pay a Temporary Access Fee (TAF) pursuant to SRC 200.080(a). The TAF shall be \$12,000 per acre of land being developed within the S-1 service area as proportional payments within each section as specified below in each phase. (UGA17-03;4)
- Condition 16:** Dedicate a neighborhood park facility not less than 6.5 acres in size. (UGA17-03;5)
- Condition 17:** Demonstrate that the proposed subdivision conforms to the access requirements of the Oregon Fire Code by one of the following methods:
- (a) Provide written evidence from the Fire Marshal that the subdivision, as approved, does not exceed the maximum 30 dwelling units allowed to be served by a single fire apparatus road; or
  - (b) Provide written approval from the Fire Marshal allowing more than 30 dwelling units to be served by a single fire apparatus road subject to all of the dwelling units within the subdivision being equipped with an automatic sprinkler system; or
  - (c) The subdivision so that no more than 30 dwelling units will be served by a single fire apparatus road.
- Condition 18:** Demonstrate adequate Fire Department turn-arounds prior to final plat of each phase.
- Condition 19:** Prior to any plat, the applicant shall coordinate with Salem-Keizer Cherriots for a transit stop and provide evidence of the location of a future transit stop or a letter from Salem-Keizer Cherriots that no stop is needed in the vicinity.
- Condition 20:** Obtain applicable State and Federal permits as indicated by the Department of State Lands (DSL).
- Condition 21:** Section A shall be platted as Phase I.
- Condition 22:** Construct M Street SE from Battle Creek Road SE to N Street SE with Section A.

**Prior to plat of Section A:**

- Condition 23:** Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. Acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include:
- A westbound to southbound left turn lane on Reed Road SE;
  - A southbound to eastbound left turn lane on Battle Creek Road SE;
  - A northbound to eastbound right turn lane on Battle Creek Road SE; and
  - A pedestrian island on Battle Creek Road SE along the south side of the intersection. (UGA17-03;1)
- Condition 24:** Construct Battle Creek Road from Reed Road to M Street SE to a 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. (UGA17-03;1)
- Condition 25:** Construct Reed Road SE from Battle Creek Road SE to the north line of the subject property, at a minimum 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. The improvements shall include on-street parking and tapers. (UGA17-03;1)
- Condition 26:** Construct Mid-block pedestrian access as shown on the tentative subdivision plan, which shall be dedicated to the public. Where topography requires mid-block walkways to be constructed with stairs, the facility shall be owned and maintained by the homeowners' association.
- Condition 27:** The applicant shall provide mid-block pedestrian access along the west property lines of Lots 11 and 12 or on the abutting 'Storm Water Detention Facility #3'
- Condition 28:** Construct a minimum 18-inch S-1 water main in Reed Road SE from Strong Road SE to J Avenue SE. (UGA17-03;4)
- Condition 29:** Construct a minimum 18-inch S-1 water main in Section A from Reed Road/J Avenue SE to the westerly terminus of G Street SE and to the southerly Phase boundary in K Street SE. (UGA17-03;4)
- Condition 30:** Construct a minimum 12-inch S-1 water main in Reed Road SE from J Avenue SE to Battle Creek Road SE and in Battle Creek Road SE to M Street SE.

**Condition 31:** Construct a pedestrian access route along missing sections of sidewalk on the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE, or enter into a deferral agreement deferring the construction to a later time in conjunction with the Apartment Site project.

**Condition 32:** Pay \$191,849 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section B:**

**Condition 33:** Construct a minimum 18-inch water main in K Street SE within Section B from its terminus in Section A to the southern property line of lot 106.

**Condition 34:** Pay \$14,038 as the proportional amount of the water TAF. (UGA17-03;4)

**Condition 35:** Pay a temporary access fee of \$13,680 as proportional mitigation toward the future signal and interconnect located at Reed Road SE and Battle Creek Road SE.

**Condition 36:** Construct Mid-block pedestrian access as shown on the tentative subdivision plan, which shall be dedicated to the public. Where topography requires mid-block walkways to be constructed with stairs, the facility shall be owned and maintained by the homeowners' association.

**Condition 37:** The applicant shall be required to convey lot 106 for future construction of Coburn Reservoir (UGA17-03;4)

**Prior to plat of Section C:**

**Condition 38:** Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Strong Road SE.

**Condition 39:** Construct a 15-foot-wide half-street improvement on the development of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

**Condition 40:** Construct a minimum 18-inch S-1 water main within Section C from its terminus in Section A to the intersection of Strong and A Street. (UGA17-03;4)

**Condition 41:** Pay \$86,566 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section D:**

**Condition 42:** Pay \$79,547 as the proportional amount of the water TAF. (UGA17-03;4)

**Condition 43:** If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. (UGA17-03;2)



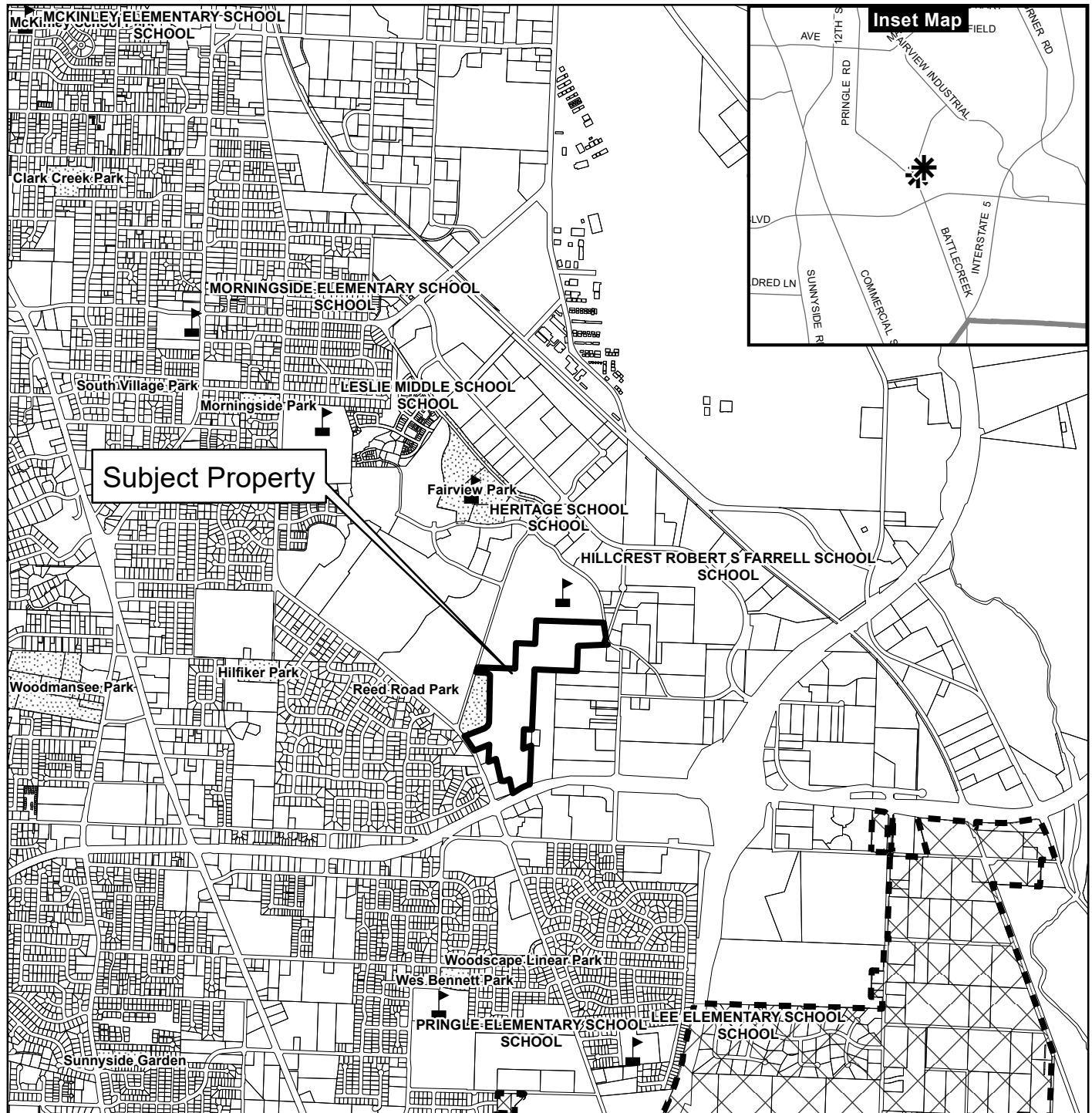
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Olivia Dias, Current Planning Manager, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments: A. Vicinity Map  
B. Tentative Subdivision Plan  
C. Applicant's Written Statement on the Consolidated Application  
D. City of Salem Public Works Department Comments

# Vicinity Map

## 4700 Battle Creek Road SE



### Legend

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

0 000 400 Feet



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TOTAL PARCEL SIZE:  
DEVELOPABLE AREA — 32.545 Ac.  
NUMBER OF UNITS — 177  
DENSITY — 5.439 UNITS/AC.  
LARGEST LOT — 17,940 S.F.  
SMALLEST LOT — 1,635 S.F.  
AVERAGE — 5,545 S.F.

SECTION A:  
DEVELOPABLE AREA — 13.492 Ac.  
NUMBER OF UNITS — 82  
DENSITY — 6.078 UNITS/AC.  
LARGEST LOT — 10,658 S.F.  
SMALLEST LOT — 1,635 S.F.  
AVERAGE — 4,682 S.F.

SECTION B:  
DEVELOPABLE AREA — 6.068 Ac.  
NUMBER OF UNITS — 24  
DENSITY — 3.96 UNITS/AC.  
LARGEST LOT — 17,940 S.F.  
SMALLEST LOT — 5,941 S.F.  
AVERAGE — 5,941 S.F.

SECTION C:  
DEVELOPABLE AREA — 6.828 Ac.  
NUMBER OF UNITS — 37  
DENSITY — 5.419 UNITS/AC.  
LARGEST LOT — 8,579 S.F.  
SMALLEST LOT — 4,001 S.F.  
AVERAGE — 5,548 S.F.

SECTION D:  
DEVELOPABLE AREA — 6.155 Ac.  
NUMBER OF UNITS — 34  
DENSITY — 5.52 UNITS/AC.  
LARGEST LOT — 8,353 S.F.  
SMALLEST LOT — 4,470 S.F.  
AVERAGE — 5,480 S.F.

# COBURN GRAND VIEW ESTATES

T. 8 S., R. 3 W., Willamette Meridian  
Sec. 11D Tax Lots 100, 200, 400 & 601 - Sec. 12B Tax Lot 1600  
City Of Salem, Marion County, Oregon

Owner / Developer:

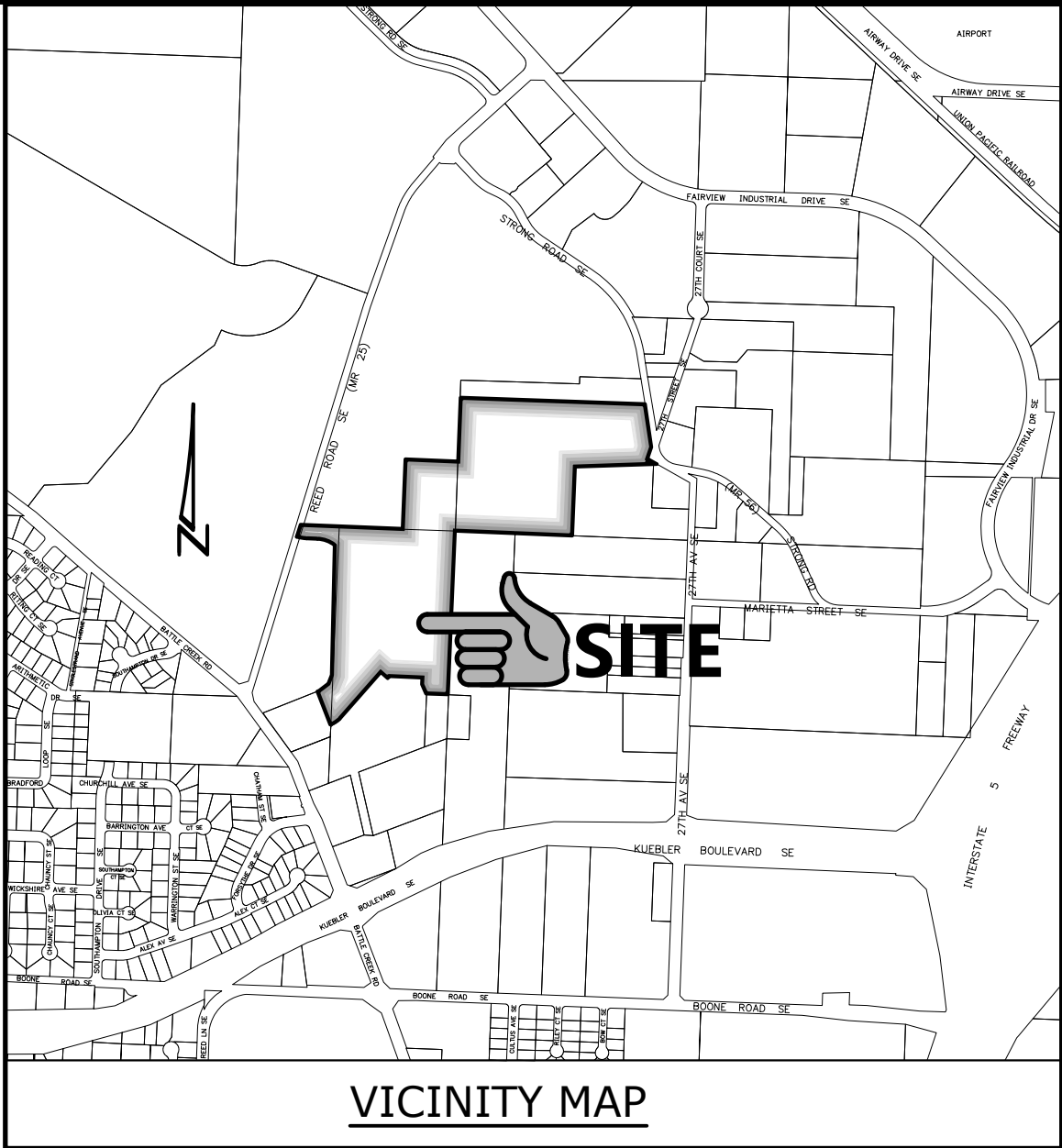
**WESTWOOD HOMES LLC**

12700 NW CORNELL RD.  
PORTLAND, OREGON 97229

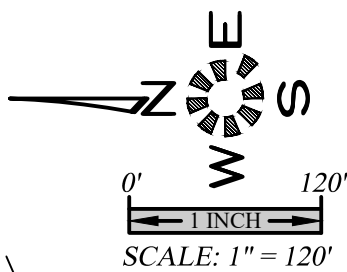
TOWNHOUSES:  
DEVELOPABLE AREA — 2.711 AC.  
NUMBER OF UNITS — 34  
DENSITY — 12.54 UNITS/AC.  
LARGEST LOT — 16,388 S.F.  
SMALLEST LOT — 1,635 S.F.  
AVERAGE — 3,031 S.F.

ZONED RM-2

THIS PARCEL IS BEING CREATED BY PLA. APPROVED IN PLANNING CASE # PLA20-24 AND IS NOT PART OF THIS APPLICATION. SITE PLAN IS INCLUDED AS CONCEPT ONLY.



**T.B.M. 100.00**  
THIS IS THE DESCRIPTION & LOCATION OF THE T.B.M. ELEVATION MARKER.  
THIS IS THE DESCRIPTION & LOCATION OF THE NEAREST B.M. ELEVATION MARKER WITH THE ELEVATION OF THAT B.M.



ABBREVIATIONS			
A.C.	ASPHALTIC CONCRETE	L.P.	LIGHT POLE
ACMP	ALUMINIZED CMP	M	METER, MAIN
ASSY.	ASSEMBLY	M.H.	MANHOLE
B.O.	BLOW OFF	MTL	METAL
B.F.V.	BUTTERFLY VALVE	O.H.	OVERHEAD
C & G	CURB & GUTTER	PC	POINT OF CURVE
CATV	CABLE TELEVISION	PCC	POINT OF CONTINUING CURVE
C.B.	CATCH BASIN	PED.	PEDESTAL
C.B.C.O.	CATCH BASIN CLEANOUT	PRC	POINT OF REVERSE CURVE
C.B.I.	CATCH BASIN INLET	PROP.	PROPOSED
C.L.	CENTERLINE	PT	POINT OF TANGENCY
CMP	CORRUGATED METAL PIPE	PUB.	PUBLIC
C.O.	CLEANOUT	PUE	PUBLIC UTILITY EASMT.
CONC.	CONCRETE	PVC	POLYVINYL CHLORIDE
CONST.	CONSTRUCT	PVT.	PRIVATE
D.I.	DUCTILE IRON	P.P.	POWER POLE
DIA.	DIAMETER	P.L.	PROPERTY LINE
DWG.	DRAWING	R	RADIUS
EASMT.	EASEMENT	R-	RIM
E.G.	EXIST. GRADE / GROUND	RD	ROAD
EOP, E.P.	EDGE OF PAVEMENT	R.O.W.	RIGHT-OF-WAY
ELEC.	ELECTRIC	SAN.S. or S.S.	SANITARY SEWER
ELEV. or EL.	ELEVATION	S	SLOPE
EX. or EXIST.	EXISTING	STA.	STATION
FT.	FEET	STD.	STANDARD
F.F.	FINISH FLOOR	STL.	STEEL
F.G.	FINISH GRADE	STM.DRN. or S.D.	STORM DRAIN
F.H.	FIRE HYDRANT	SVC.	SERVICE
F.M.	FORCE MAIN	SW	SIDEWALK
GUT. or GTR.	GUTTER	T.C.	TOP OF CURB
G.V.	GATE VALVE	TEL.	TELEPHONE
IMP.	IMPROVEMENT	TYP.	TYPICAL
INST.	INSERT	U.G.	UNDERGROUND
INV. or I-	INVERT	VLT.	VAULT
L	LENGTH, LINE	W.M.	WATER MAIN

SYMBOLS	
EXIST. PROP.	EXIST. PROP.

PRELIMINARY SHEET INDEX	
P101	COVER SHEET
P102	EXISTING CONDITIONS PLAN
P201	SITE PLAN — NORTH
P202	SITE PLAN — CENTRAL
P203	SITE PLAN — SOUTH
P204	SLOPE EXCEPTION AREAS
P301	UTILITY PLAN — NORTH
P302	UTILITY PLAN — CENTRAL
P303	UTILITY PLAN — SOUTH
P401	TREE CONSERVATION PLAN — NORTH
P402	TREE CONSERVATION PLAN — CENTRAL
P403	TREE CONSERVATION PLAN — SOUTH
P404	TREE CONSERVATION PLAN — R.O.W. NORTH
P405	TREE CONSERVATION PLAN — R.O.W. SOUTH
P501	PUBLIC STREET IMPROVEMENTS — A AV. & B ST.
P502	PUBLIC STREET IMPROVEMENTS — C ST.
P503	PUBLIC STREET IMPROVEMENTS — E AV. & D ST.
P504	PUBLIC STREET IMPROVEMENTS — G ST. & H ST.
P505	PUBLIC STREET IMPROVEMENTS — I AV.
P506	PUBLIC STREET IMPROVEMENTS — J AV.
P507	PUBLIC STREET IMPROVEMENTS — K ST. & E. ACCESS
P508	PUBLIC STREET IMPROVEMENTS — L ST. 0+00 TO 12+00
P509	PUBLIC STREET IMPROVEMENTS — M ST. 0+00 TO 8+00
P510	PUBLIC STREET IMPROVEMENTS — M ST. 8+00 TO 15+00
P511	PUBLIC STREET IMPROVEMENTS — N ST.
P512	PUBLIC STREET IMPROVEMENTS — O ST.
P513	PUBLIC STREET IMPROVEMENTS — P ST.
P514	PUBLIC STREET IMPROVEMENTS — WALKWAY 1, 2 & 3
P515	TYPICAL STREET SECTIONS
P601	GRADING PLAN — NORTH
P602	GRADING PLAN — CENTRAL
P603	GRADING PLAN — SOUTH

PRELIMINARY PLAN  
COVER SHEET

COBURN GRAND VIEW  
ESTATES

NO CHANGES, MODIFICATIONS OR REVISIONS SHALL BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.  
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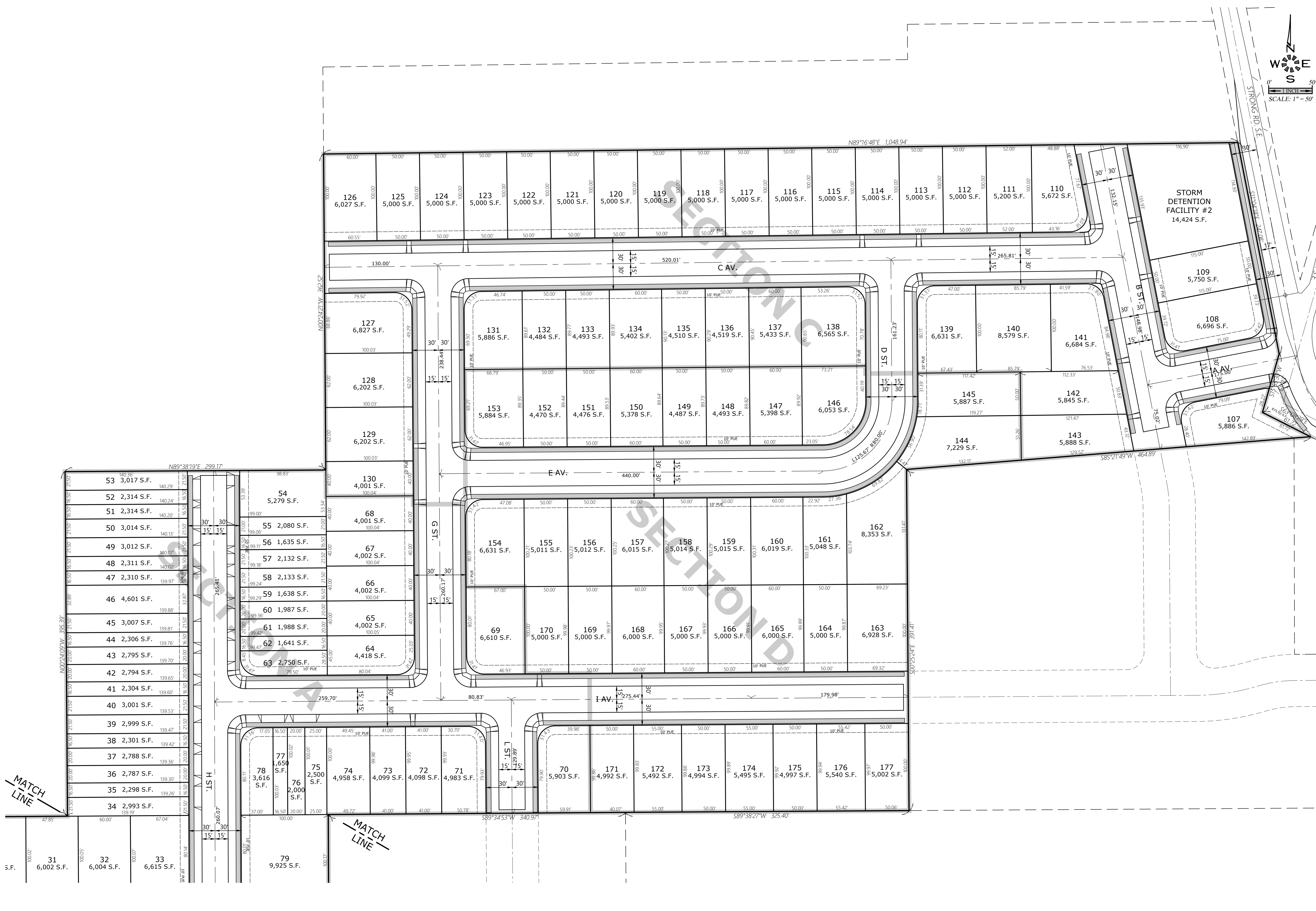
Design: M.D.G.  
Drawn: P.H.S.  
Checked: J.J.G.  
Date: JUNE 2018  
Scale: AS SHOWN  
As-Built: \_\_\_\_\_

REGISTERED PROFESSIONAL ENGINEER  
JUNE 14, 2018  
MARK D. GREVIL  
OREGON

EXPIRES: 06-30-2021  
JOB # 6234

**P101**





**SITE PLAN  
- NORTH -**

**COBURN GRAND VIEW  
ESTATES**

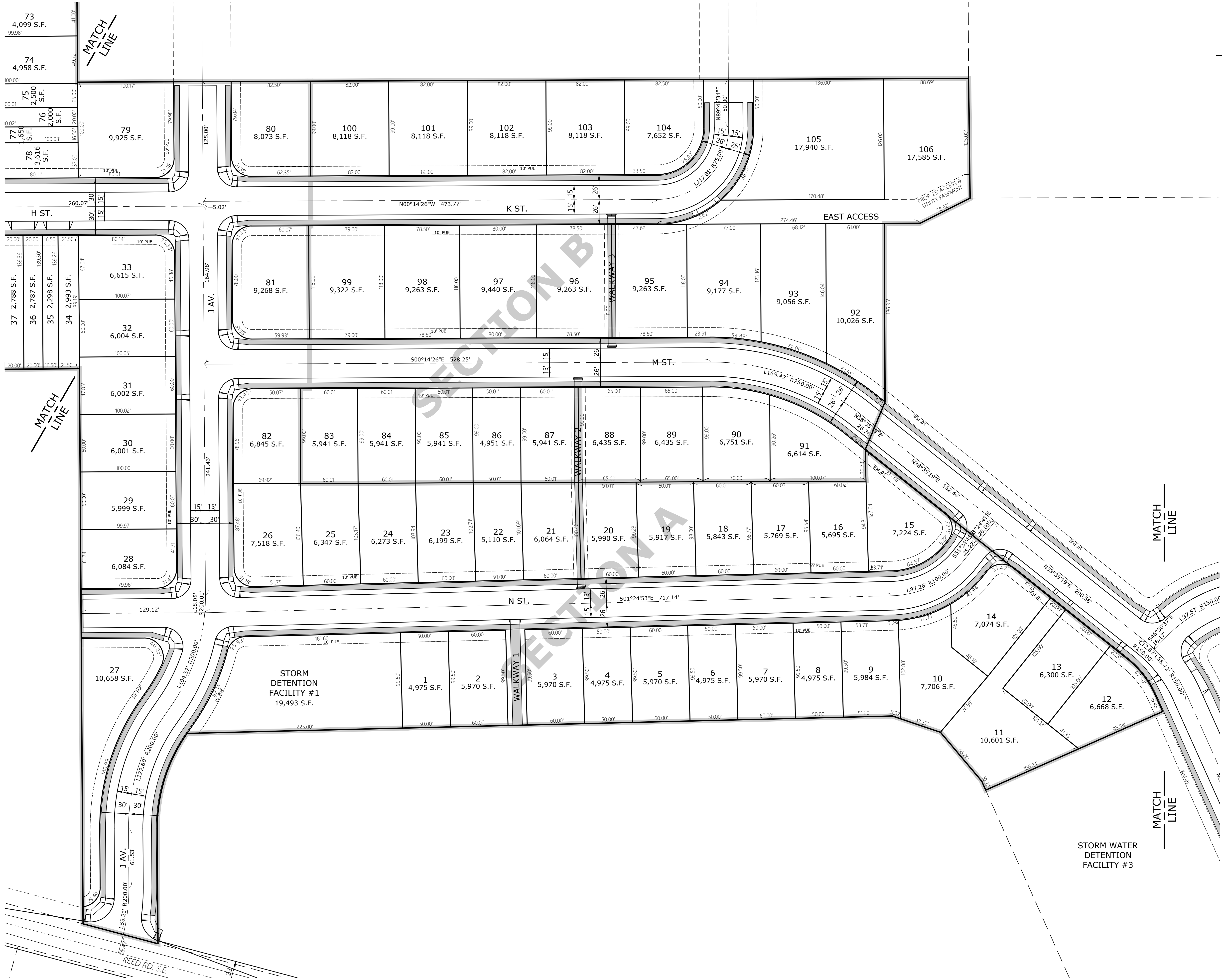
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EXPIRES 06-30-2021  
JOB # 6234

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MULTI/TECH

ENGINEERING SERVICES, INC.

1155 13th ST. SE SALEM, OR 97302  
PH: (503) 363 - 9227 FAX: (503) 364-1260  
www.mtengineering.net office@mtengineering.net

SITE PLAN  
- CENTRAL -

COBURN GRAND VIEW  
ESTATES

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EXPIRES 06-30-2021

JOB # 6234

P202



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SITE PLAN  
- SOUTH -

COBURN GRAND VIEW  
ESTATES

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Checked: J.J.G.  
Date: JUNE 2018  
Scale: AS SHOWN  
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EXPIRES 06-30-2021

JOB # 6234

P203

## **Subdivision**

April 20, 2021

### **PROPOSAL:**

The applicant currently has approval through the SUB-ADJ19-08 & UGA17-03MOD1 approval.

### **Proposed:**

**The subject property is about 32.55 acres in size and zoned RA (Residential Single Agriculture) and RM2 (Multi-Family Residential). The applicant is proposing to divide the subject property into 177 residential lots (within 4 Phases/Sections).**

**Section A: 82 Lots (Lots 34-75 are designed for townhomes)**

**Section B: 24 Lots**

**Section C: 37 Lots**

**Section D: 34 Lots**

**The applicant is also requesting alternative street standards as outlined in the narrative and on the site plans. Along with an adjustment request to street grade, an adjustment to lot depth, an adjustment to double lot depth, and an adjustment to lot to depth ratio.**

### **SITE VICINITY and CHARACTERISTICS:**

The subject property is located on the northeast intersection of Kuebler Boulevard SE and Battle Creek Road. The subject property is identified as 083W11D/Tax Lots 100, 200, 400, and 601; 083W12B/Tax Lot 1600. The subject property is located within the City limits and the Urban Growth Boundary. UGA 17-03MOD1 was issued on November 21, 2019 for the subject property.

The surrounding properties are zoned and used as follows:

North: PH (Public Health); vacant land and existing single-family dwellings

East: RA (Residential Agriculture); vacant land and existing single-family dwellings

South: RA (Residential Agriculture); vacant land and existing single-family dwellings

West: Across Reed Road, FMU (Fairview Mixed-Use); vacant land and existing single-family dwellings

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

Citizen involvement is provided via the City of Salem notification process necessary for the subdivision application which allows public comment. The City's Plan is acknowledged to be in compliance with State Land Use Goals. The public notification process is implemented by the Planning Administrator with written notification to property owners. The published notice will identify the applicable criteria. Through the notification process all interested parties are afforded the opportunity to review the application, comment on the proposal 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 and subdivision codes under the provisions of SRC Chapter 510 and 205. The proposal is for a single family development.

The proposal meets SACP General Development Policies 7, 10, 12 and 13 which encourage structures and their siting in all residential developments to optimize the use of land. The proposed subdivision optimizes the land by providing 177 lots on 32.55 acres. The proposed subdivision is in compliance with the code.

The development is sited and designed to minimize the adverse alteration of the natural terrain, the potential for erosion and adverse effects upon the existing topography and soil conditions. The proposal encourages natural open living spaces by providing larger than average lots. The proposed single-family lots have an average lot size of 5,545 square feet.

The property is within the Urban Growth Boundary and the Urban Services Area; however, UGA17-03MOD1 was issued on November 21, 2019. Thus, meeting the SACP Growth Management Goal.

All internal streets are shown on the site plan. The proposed internal streets will all be built to public street standards to be consistent with the existing surrounding street system. Therefore, meeting SACP Transportation Policy 19.

#### **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:***

The Salem Revised Code (SRC), which includes the Salem Zoning Code, implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with city standards and requirements contained in the Subdivision Code, Zoning Code, Salem TSP and the Water, Sewer and Storm Drain System Master Plans, and adopted design documents applicable to residential development. The proposed meets all applicable provisions of the Salem Revised Code.

***(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.***

Proposed Lots 34 through 75 are zoned RM2 and will be developed with attached townhomes. The RM2 site is 2.71 acres in size and requires a minimum density of 33 units. The proposal is for 34 townhome units. The lots within the RM2 meet lot area and density requirements.

Lots 34-53, Lots 55-62, Lots 75-77, and Lot 27 do not meet the lot to depth ratio, therefore, and adjustment to this standard has been requested.

The adjustment is to allow Lot 27 to have a lot depth of about 59 feet where 70 feet is required, therefore, and adjustment to this standard has been requested.

Lot 81, Lots 95-99 and Lots 107-109 do not meet the minimum 120-foot lot depth requirement for double frontage lots, therefore, and adjustment to this standard has been requested.

Minimum Lot Area and Dimensions: As shown on the site plan, all the RA zoned lots meet lot size (4,000 square feet) and lot dimension (40' by 70') standards as required under UDC Chapters 510 and 511. The proposed lots range in size from 4,470 square feet to 17,940 square feet in size.

There are 3 flag lots within the proposed subdivision, Lots 11, 105, and 106.

Lot 27 on the site plan is odd in shape, however, it can be built with adequate setbacks and an adequate building envelope of about 1,700 square feet. This will allow the development of a smaller home, while maintaining adequate setbacks.

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

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. Except for those lots mentioned above, the proposed subdivision is in compliance with lot standard 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 criteria 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 no wetlands or floodplains located on the subject property.

A geological assessment dated July 20, 2018, was provided, and approved as part of the original approval. The assessment outlined the nature, distribution of underlying geology, and the physical and chemical properties of existing soils; an opinion as to stability of the site, and conclusions regarding the effect of geologic conditions on the proposed development as required. See attached geological assessment.

This criteria has been met.

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

The proposal is for the entire subject property and will be developed into 171 lots. The southern portion of the property is no longer a part of the subdivision per PLA20-24 approval. As shown on the site plan. A shadow plan for the southern portion of the site has been provided in order to show how development will connect to the proposed subdivision within compliance with Code.

All surrounding properties have direct access onto the existing street system. All 177 lots will have direct access onto the existing street system as well. The subdivision does not impede the future use of the property or adjacent land. Therefore, access to adjacent properties is not necessary.

A Homeowners Association will not be established for the subdivision as one is not needed.

***(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. Sewer/storm/water has been provided to all lots as required by UGA17-03MOD1.

In conclusion, the location and design of the proposed subdivision allows for public sanitary sewer, water service, and storm drainage to be conveniently provided. Therefore, this criterion has been satisfied.

**Proposed StormWater 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 exact system will be determined at the time of design. Any proposed technique will meet City of Salem Stormwater Management standards in means and methods to provide all aspects of Stormwater management.

A Preliminary Stormwater Drainage report dated April 9, 2021, has been provided as part of this submittal.

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

The major street system is in place due to prior development. Reed Road located to the

west and Battle Creek Road located to the south of the site will provide access into the development. Both Reed Road and Battle Creek Road are designated as a 'minor arterial' on the Salem Transportation System Plan.

The existing and proposed street systems conform to the City's Transportation Plan. All street design and improvements will be determined through the subdivision review process, and regulated through the Conditions of Approval. The proposed internal streets will be designed to 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.

A Traffic Impact Analysis (TIA) dated June 20, 2018 and a Traffic Memo dated July 27, 2018, were approved as part of the original approval and have been provided as part of this application package.

The applicant is requesting alternative street standards for the proposed internal streets, to 50-feet in width where 60-feet is required. The site topography and shape create a physical constraint that makes it very difficult to comply with the standard right of way width of 60 feet.

The existing street system and proposed street improvements will be in compliance with the STSP. All lots are in compliance with the UDC/SRC.

The layout of the lots and internal streets take 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 site.

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 applicant is also requesting an adjustment and alternative street standard to street grade. As shown on the street section provided, J Avenue, K Street, and M Street will have a street grade over 12%. Due to the topography of the site and the proposed street alignments with existing streets, along with required stub street connections, these proposed streets within the subdivision exceed the street grade allowed.

The intent of the maximum street grade is to allow vehicles to climb and descend the street safely in all conditions. The internal streets proposed will provide safe and efficient circulation throughout the subdivision. As shown on the street sections

provided, there is only certain sections of each street that will exceed the allowed street grade. All streets within the proposed subdivision will be designed to provide safe and efficient conditions.

There are several access points provided throughout the proposed subdivision which provide alternative access options.

The intent of the standard is being met; therefore, the proposal equally meets the intent of the maximum street grade standard.

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.

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

The subdivision plan takes into consideration the topography and vegetation of the site. The alternative street standards allow lots of sufficient size and dimensions for 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.

#### Transportation Planning Rule Review:

The City of Salem's TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed subdivision 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.

In conclusion, the development will provide bicycle and pedestrian facilities on-site to encourage people to walk and reduce vehicle trips. The development on the property will allow residents to reduce vehicle usage, by the convenience of bicycle and pedestrian paths to and from the uses and existing sidewalk system. Therefore, the proposed subdivision is in compliance with the intent of the TPR to reduce vehicle usage and encourage other modes of transportation to and from the site.

***(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 streets and circulation system serving this residential neighborhood.

**Block Length:** Blocks shall be a maximum of 600 feet between street centerlines. The length of the blocks was taken into consideration at the time of design layout. There are more than enough street connections within the proposed development, therefore, block lengths are in compliance with the code.

The proposed subdivision provides vehicle and pedestrian connections throughout the development. By providing these connections, the intent of providing a maximum block length and connectivity have been met. Adding additional streets to break of block length would only create unsafe circulation. As shown on the site plan, the proposed subdivision provides a safe an efficient circulation pattern throughout the development for vehicles and pedestrians. Therefore, additional streets are not necessary.

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

The Public Works Department 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.

**Street Grade:** There are several local streets proposed within the subdivision that exceed the 12% maximum street grade. The applicant is requesting an adjustment and alternative street standards to allow these internal local streets to be developed with a street grade over 12%, up to 15%.

In conclusion, the proposed street plan provides the best economic, safe, and efficient circulation of traffic possible under the circumstances. The proposed subdivision demonstrates this review criterion can be met. Therefore, this criterion has been satisfied.

***(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.

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 criteria has been met.

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

The proposal is for a 177-lot subdivision. A Traffic Impact Analysis (TIA) dated June 20, 2018 and a Traffic Memo dated July 27, 2018, was approved with the original approval and have been provided as part of this application package. The proposed subdivision plan mitigates impacts to transportation system by providing adequate access and circulation for all 177-lots. Therefore, this criterion 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 subdivision plan takes into consideration the topography and vegetation of the site. 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. 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 192 trees located within the boundary of the site. One-hundred and thirty (130) trees are designated for removal. The applicant is preserving 32% of the tree on the site. Trees designated for removal are within the right-of-way, the building envelope or within an area close to the building envelope, which have the potential of being damaged during grading and construction. Therefore, the removal of these 130 trees is necessary for development of the site.

There are eleven (11) Oregon White Oaks 24" in diameter or greater located throughout the site. The applicant is removing six (6) of these significant trees.

J Avenue-Oak 24"	Remove
Strong Road-Oak 32"	Remove
A Avenue-Oak 60"	Remove
A Avenue-Oak 28"	Remove
A Avenue-Oak 24"	Remove
Lot 124-Oak 30"	Remove

All Oregon White Oaks designated for removal are within the right-of-way, the building envelopes or within an area close to the building envelope, which have the potential of being damaged during grading and construction.

The layout of the lots takes into consideration the topography and vegetation of the site. All lots 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 is located inside the Urban Service Area (USA). However, an Urban Growth Preliminary Declaration (UGA17-03MOD1) was issued on November 21, 2019. All conditions of UGA17-03 have been or will be met with the approval of this subdivision proposal. Therefore, this criterion has been met.

## **TREE CONSERVATION/REMOVAL PLAN**

There are 192 trees located within the boundary of the site. One-hundred and thirty (130) trees are designated for removal. The applicant is preserving 32% of the tree on the site. Trees designated for removal are within the right-of-way, the building envelope or within an area close to the building envelope, which have the potential of being damaged during grading and construction. Therefore, the removal of these 130 trees is necessary for development of the site.

There are eleven (11) Oregon White Oaks 24" in diameter or greater located throughout the site. The applicant is removing six (6) of these significant trees.

J Avenue-Oak 24"	Remove
Strong Road-Oak 32"	Remove
A Avenue-Oak 60"	Remove
A Avenue-Oak 28"	Remove
A Avenue-Oak 24"	Remove
Lot 124-Oak 30"	Remove

## **PHASED SUBDIVISION 205-015(D)**

***Criteria. A tentative phased subdivision plan shall be approved if all of the following criteria are met:***

***(1) The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).***

Applicant Findings: The subject property is about 32.55 acres in size and zoned RA (Residential Single Agriculture) and RM2 (Multi-Family Residential). The applicant is proposing to divide the subject property into 177 residential lots (within 4 Phases/Sections).

Section A: 82 Lots (Lots 34-75 are designed for townhomes)

Section B: 24 Lots

Section C: 37 Lots

Section D: 34 Lots

The proposed phased subdivision meets all the criteria for a tentative subdivision as outlined above under SRC 205.010(d).

***(2) Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.***

Applicant Findings: The major street system is in place due to prior and new

development. Reed Road located to the west and Battle Creek Road located to the south of the site will provide access into the development. Both Reed Road and Battle Creek Road are designated as a 'minor arterial' on the Salem Transportation System Plan.

The existing and proposed street systems conform to the City's Transportation Plan. All street design and improvements will be determined through the subdivision review process, and regulated through the Conditions of Approval. The proposed internal streets will be designed to 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.

The proposed phased subdivision will not impede the future development of other phases as shown on the site plan. All phases will have access to the internal street system and the existing street system.

Each phase will ensure the orderly and efficient construction of the required improvements as required by Conditions of Approval and Code compliance.

Therefore, this criteria has been met.

***(3) Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.***

Applicant Findings: Each phase is required to provide the needed improvements to accommodate that phase. Due to the required conditions of approval and City standards all four (4) Phases/Sections will be functionally self-contained and self-sustaining as shown on the site plans.

The subject property is about 32.55 acres in size and zoned RA (Residential Single Agriculture) and RM2 (Multi-Family Residential). The applicant is proposing to divide the subject property into 177 single family residential lots (within 4 Phases/Sections).

***(4) Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.***

Applicant Findings: The applicant will be required to comply with conditions of approval that will be designed to ensure that the phases are developed to support the infrastructure requirements for each phase and the subdivision as a whole. See attached site plans.

## **CLASS-1 ADJUSTMENT**

***The applicant is requesting a Class-1 Adjustment to Section 511.010 (Development Standards) Table 511-2, Lot Standards.***

The adjustment is to allow Lot 27 to have a lot depth of about 59 feet where 70 feet is required.

### ***Adjustment Criteria-SRC 250.005(d)(1) Criteria***

***(1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:***

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

***(i) Clearly inapplicable to the proposed development; or***

***(ii) Clearly satisfied by the proposed development.***

***(B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.***

### **Applicant Findings:**

(A) The purpose of lot depth is to provide adequate room for a single-family dwelling and required setbacks. This helps provide a buffer between buildings. The applicant is requesting a 16% adjustment to the lot depth requirement for Lot 90. As shown on the site plan, Lot 27 has a lot depth of 59' where 70' is required. Lot 27 has a greater than 70-foot lot depth, however, the lot is odd in shape, therefore, the average lot depth is about 59', has shown on the site plans.

Lot 27 is 10,658 square feet in size. There is an adequate building envelope for this lot. All setbacks will meet or exceed the requirements, providing buffering from adjacent structures.

Therefore, the intent of the lot depth is equally meet by the proposed reduced lot depth.

(B) Adequate setbacks can be provided on Lot 27. The additional length of the odd shaped lot will provide additional landscaped area for Lot 27. Therefore, the decrease in lot depth will have no effect on the surrounding uses.

## **CLASS-1 ADJUSTMENT**

The applicant is requesting a Class-1 Adjustment to Section 511.010 (Development Standards) Table 511-2, Lot Standards.

Lot 81, Lots 95-99 and Lots 107-109 do not meet the minimum 120-foot lot depth requirement for double frontage lots, therefore, an adjustment to this standard has been requested.

### ***Adjustment Criteria-SRC 250.005(d)(1) Criteria***

***(1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:***

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

***(i) Clearly inapplicable to the proposed development; or***

***(ii) Clearly satisfied by the proposed development.***

***(B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.***

### **Applicant Findings:**

**(A)** The purpose of lot depth is to provide adequate room for a single-family dwelling and required setbacks. The applicant is requesting an adjustment to the lot depth requirement for double frontage lots, like Lot 81, Lots 95-99 and Lots 107-109.

As shown on the site plan, Lot 81, Lots 95-99 and Lots 107-109 have lot depths of about 111 to 118 feet. In order to provide setbacks and adequate distance from right-of-way, lot depth of 120 is required. However, the applicant is asking for a 2 to 9-foot reduction in that lot depth. The lot depths provided for the lots will still meet the purpose of the code by allowing for an adequate building envelope and setbacks. Therefore, there will be an adequate building envelope and setbacks for these lots. All setbacks will meet or exceed the requirements.

Therefore, the intent of the lot depth is equally met by the proposed reduced lot depth.

**(B)** Adequate setbacks can be provided on these lots, because these lots have a great lot depth that other lots within the subdivision don't have. The length of the lots will still provide adequate setbacks and landscaped area. Therefore, the adjustment to lot depth will have no effect on the surrounding uses.

# **Coburn Estate Subdivision**

Adjustment Class-2 Application

Table 511-2 (Lot Standards)

April 20, 2021

## **Proposal:**

Lots 34-53, Lots 55-62, Lots 75-77, and Lot 27 do not meet the lot to depth ratio, therefore, and adjustment to this standard has been requested.

Lots 34-53, Lots 55-62, Lots 75-77 are located within the RM2 zone. The minimum lot width required for townhome lots in the RM2 zone is 20 feet with a minimum lot depth of 70 feet. Table 514-2 only allows a maximum lot depth of 300% of average lot width.

Lot 27 are located within the RA zone. The minimum lot width required for lots in the RA zone is 40 feet with a minimum lot depth of 70 feet. Table 510-2 and 511-2 only allows a maximum lot depth of 300% of average lot width.

The applicant is requesting an adjustment to the lot width to lot depth maximum.

## **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 a zoning adjustment to Tables 514-2, 510-2 and 511-2. The minimum lot width required for lots in the RA/RS zone is 40 feet with a minimum lot depth of 70 feet. The minimum lot width for townhome lots within the RM2 zone is 20 feet with a minimum lot depth of 70 feet. Tables 514-2, 510-2 and 511-2 only allows a maximum lot depth of 300% of average lot width.

The applicant is requesting an adjustment to the lot width to lot depth maximum. In order to provide street connections and circulation, the size and layout of the lots had to be taken into consideration. Due to the location of the lots and street connections, the long and narrow lot were created.

The purpose of this requirement is to avoid creating long narrow lots. As stated above, in order to provide for future development of the lot and street connection, the layout of the lots had to be taken into consideration.



The longer lots does not affect the rest of the subdivision or the proposed lots. The longer lot actually provides for larger setbacks and buffers. The longer lots will also allow for adequate development. Therefore, the proposed adjustment equally or better meets the standard.

- (B) The subject property is zoned RM2 and RA and is located in a residential area. The RA and RM2 zones allow for this property to be subdivided.

The subject property is located on the northeast intersection of Kuebler Boulevard SE and Battle Creek Road.

The surrounding properties are zoned and used as follows:

North: PH (Public Health); vacant land and existing single-family dwellings  
East: RA (Residential Agriculture); vacant land and existing single-family dwellings  
South: RA (Residential Agriculture); vacant land and existing single-family dwellings  
West: Across Reed Road, FMU (Fairview Mixed-Use); vacant land and existing single-2

The proposal will have little to no impact on the surrounding neighborhood. The purpose of this requirement is to avoid creating long narrow lots. As stated above, in order to provide street connections and circulation and an adequate subdivision layout, the size and layout of the lots had to be taken not consideration. Due to the location of the lots, topography and required street extensions, creating shorter lot depth is not feasible.

The longer lot does not affect the rest of the subdivision or the proposed lots. In order to meet the lot to depth ratio other lays would be affected and street connections would not be feasible.

Therefore, in order to meet lot requirements for other lots within the subdivision and provide all required street connection, longer lots were created. Therefore, by providing a layout that meets code and circulation requirements, this proposal will not detract from the livability or appearance of the residential area.

Any conditions placed on the subdivision 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 requesting more than one adjustment.

## **CLASS-2 ADJUSTMENT**

The applicant is requesting an adjustment to SRC 803.035(c):

***(c) Alignment and Grade. All streets shall be designed with a vertical alignment that conforms to the Public Works Design Standards. No grade of parkway, major arterial, or minor arterial shall exceed 6 percent. No grade of a collector street shall exceed 8 percent. No grade of a local street shall exceed 12 percent.***

There are several local streets proposed within the subdivision that exceed the 12% maximum street grade. The applicant is requesting an adjustment to allow these internal local streets to be developed with a street grade over 12%, up to 15%.

### ***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 Findings:**

**(A)** The applicant is requesting an adjustment to street grades. As shown on Sheet 1 of 1, Slope Exception Areas Plan, sections of A Avenue, C Avenue, I Avenue, H Street, M Street, J Avenue, N Street, O Street, and P Avenue within the subdivision will have sections of the roadway with up to a 15% street grade. Due to the topography of the site and the proposed street alignment with existing streets, several streets will exceed the 12% street grade allowed. The areas proposed for slopes in excess of 12% are denoted on the plans and will not exceed a single run length of 200 feet.

The intent of the maximum street grade is to allow vehicles to climb and descend the street safely in all conditions. The internal streets proposed will provide safe and efficient circulation throughout the project. The intent is to construct the streets to provide safe and efficient conditions.

The maximum length of any one section of the 15% grade is 200 feet or less, with sections of flatter slopes between the steep sections. This limits distances, limits the ability of any vehicle to have a speed “run-up” occur while traveling down the roadway.

The increased street grade facilitates access to the lots and property along its route such that quicker exits from the street into driveways can be achieved with reduced cuts and fills into the lots and driveways.

We believe that the intent of the standard is being met; therefore, the proposal equally meets the intent of the maximum street grade standard.


(B) Due to topography and existing streets in this area, the proposed streets are typical to that in any other development in configuration. The use of a steeper roadway will reduce the need for excessive cut or fill slope. This has a positive impact to the surrounding areas. The street will be designed to Public Works standards and will provide efficient access to the lots and property adjacent to its route, therefore, the greater street grade will not distract from the livability or appearance of the residential area.

(C) The applicant is requesting more than one adjustment. The cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone. Therefore, this criteria is not applicable.



## MEMO

**TO:** Olivia Dias, Current Planning Manager  
Community Development Department

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

**DATE:** June 4, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
SUB-ADJ21-06 (21-103682-LD)  
4400 BLOCK OF BATTLE CREEK ROAD SE  
177-LOT SUBDIVISION**

**PROPOSAL**

A consolidated application for a 177-lot phased subdivision (Coburn Grand View Estates) northeast of the intersection of Kuebler Boulevard SE and Battle Creek Road SE, containing the following requests:

1. A subdivision tentative plan to divide approximately 32.55 acres into 177 lots ranging in size from approximately 4,400 square feet to approximately 13,500 square feet, including Alternative Street Standards request to increase the street grade from 12 percent to 15 percent for nine street intervals less than 200 feet long, and 52-foot right-of-way, where 60 feet is required for three proposed streets;
2. Zoning Adjustment application to increase the Maximum Lot Depth standard of 300 percent width for lots 34-53, lots 55-62, and lots 75-77 to approximately 700 percent; adjust Lot Depth for double frontage lots 75, 89-93, and 101-103 from 120 feet to 118 feet; reduce the minimum lot width in the RM-II zone from 20 feet to 16.50 feet for Lots 35, 38, 41, 44, 47, 48, 51, 52, 56, 59, 62, and 77; adjust the Lot Depth of lot 27 from 70 feet to 30 feet; and adjust the minimum lot width for lots 35, 38, 41, 44, 47, 48, 51, 52, 56, 59, and 62 from 20 feet to 16.5 feet.

The subject properties are approximately 32.5 acres, zoned RA (Residential Agriculture) and RM-II (Multiple Family Residential) and located on the 4400 Block of Battle Creek Road SE (Marion County Assessor Map and Tax Lot Numbers 083W12B / 1600, 083W12C / 700 and 083W11D / 200, 400, 601).

**RECOMMENDED CONDITIONS OF PLAT APPROVAL**

**As a condition of final plat approval for all phases:**

1. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.
2. All lots within the S-1 service level shall be served by S-1 water mains, and all lots within the S-2 service level shall be served by S-2 water mains.
3. Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
4. Construct internal streets to Local street standards, including property line sidewalks and installation of street trees. Proposed Streets K, M, and N shall be a minimum of 52 feet in width, which includes a four-foot planter strip to accommodate street trees and sidewalks adjacent to one foot from property line. All other streets shall meet Local street standards.
5. The street areas shown on the Slope Exception Areas plan are approved as an alternative street standard pursuant to SRC 803.065 with slopes not exceeding 15 percent.
6. Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in Water System Master Plan; or pay a Temporary Access Fee (TAF) pursuant to SRC 200.080(a). The TAF shall be \$12,000 per acre of land being developed within the S-1 service area as proportional payments within each section as specified below.
7. Reserve property for dedication of neighborhood park facility not less than 6.5 acres in size.
8. Obtain applicable State and Federal permits as indicated by the Department of State Lands (DSL).
9. Section A shall be the first phase.

**As a condition of final plat for Section A:**

10. Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to Minor Arterial standards pursuant to PWDS, and acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. The new intersection shall include a westbound to southbound left-turn lane on Reed Road SE, a southbound to eastbound left-turn lane on Battle Creek Road SE, a northbound to eastbound right-turn lane on Battle Creek Road SE, and a pedestrian

island on Battle Creek Road SE along the south side of the intersection. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

11. Along Reed Road SE from Battle Creek Road SE to the north line of the subject property, construct a minimum 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. The improvements shall include on-street parking and tapers.
12. Along Battle Creek Road SE from Reed Road SE to M Street SE, construct a 23-foot-wide half-street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way.
13. Construct M Street SE from Battle Creek Road SE to N Street SE.
14. Construct multi-modal trails to the proposed park within Section A as shown on tentative subdivision plan to PWDS. Where topography requires mid-block walkways to be constructed with stairs, the facility shall be owned and maintained by the homeowners' association.
15. Enter into a deferral agreement to construct a pedestrian access route along missing sections of sidewalk on the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE, to be constructed in conjunction with the Apartment Site project.
16. Construct a minimum 18-inch S-1 water main in Reed Road SE from Strong Road SE to J Avenue SE.
17. Construct a minimum 18-inch S-1 water main in Section A from the intersection of Reed Road SE and J Avenue SE to the westerly terminus of G Street SE, and to the southerly Phase boundary in K Street SE.
18. Construct a minimum 12-inch S-1 water main in Reed Road SE from J Avenue SE to Battle Creek Road SE, and in Battle Creek Road SE to M Street SE.
19. Pay \$191,849 as the proportional amount of the water TAF.

**As a condition of final plat for Section B:**

20. Construct M Street from N Street to the east line of Section B.
21. Construct a minimum 18-inch water main in K Street SE within Section B from its terminus in Section A to the southern property line of lot 106.
22. Pay \$14,038 as the proportional amount of the water TAF.

23. Pay a temporary access fee of \$13,680 as proportional mitigation toward the future signal and interconnect located at Reed Road SE and Battle Creek Road SE.
24. Construct multi-modal trails to the proposed park within Section B as shown on tentative subdivision plan to PWDS.
25. Convey lot 106 to the City for future construction of Coburn Reservoir.

**As a condition of final plat for Section C**

26. Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Strong Road SE.
27. Construct a 15-foot-wide half-street improvement on the development side of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.
28. Construct a minimum 18-inch S-1 water main within Section C from its terminus in Section A to the intersection of Strong Road SE and A Street SE.
29. Pay \$86,566 as the proportional amount of the water TAF.

**As a condition of final plat for Section D:**

30. If off-site easements are needed because of topographic constraints for stormwater discharge from the northerly terminus of I Avenue SE and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.
31. Pay \$79,547 as the proportional amount of the water TAF.

**FACTS AND FINDINGS**

**Water**

1. Existing Conditions

- a. The subject property is located within the S-1 and S-2 water service levels.
- b. The nearest adequate S-1 water main is located in Reed Road SE at Strong Road SE, approximately 2,000 feet north of the subject property.
- c. The nearest S-2 water main is located in Battle Creek Road SE between Pringle Road SE and Kuebler Boulevard SE.

## Sanitary Sewer

### 1. Existing Conditions

- a. A 15-inch sewer line is located in Reed Road SE.
- b. A 24-Inch sewer line is located in 27<sup>th</sup> Avenue SE.

## Storm Drainage

- 1. Existing Condition—Drainage patterns in this area are generally conveyed into Pringle Creek. The property is on a ridge in which the drainage flows to the northwest toward the West Middle Fork of Pringle Creek, northeast toward Strong Road SE, or southeast toward Kuebler Boulevard SE.

## Streets

### 1. Reed Road SE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 20-foot improvement within a 40-foot-wide right-of-way abutting the subject property.

### 2. Battle Creek Road SE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 20- to 46-foot improvement within a 60- to 72-foot-wide right-of-way abutting the subject property.

### 3. Kuebler Boulevard SE

- a. Standard—This street is designated as a Parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right of way.
- b. Existing Condition—This street has an approximate 70- to 80-foot improvement within a 120- to 150-foot-wide right-of-way abutting the subject property. The parkway was previously approved for an alternative street standard to allow the 70-foot improvement width.



- c. Access control—No driveway access will be granted onto Kuebler Boulevard SE.

#### 4. Strong Road SE

- a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 20- to 30-foot improvement within a 40- to 60-foot-wide right-of-way abutting the subject property.

### Parks

No parks facilities are available to serve the proposed development. The Comprehensive Parks System Master Plan shows that a Neighborhood Park (NP 32) and Urban Park (UP 3) are planned on or near the subject property.

### **CRITERIA AND FINDINGS**

The following code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

**SRC 205.010(d)(1)**—The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

1. 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;
2. City infrastructure standards; and
3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

**Findings**—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).

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.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025. The applicant shall obtain applicable State and Federal permits as indicated by the Department of State Lands (DSL).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are areas of landslide susceptibility on the subject property. There are 3 mapped site points for the property pursuant to SRC Chapter 810. The proposed subdivision adds 3 activity points to the proposal, which results in a total of 6 points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by Redmond Geotechnical Services and dated July 20, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property could be subdivided and developed with single-family dwellings, without increasing the potential for slope hazard on the site or adjacent properties.

**SRC 205.010(d)(3)**—Development within the tentative subdivision plan can be adequately served by City infrastructure.

**Findings**—The nearest adequate water main is located in Reed Road SE at Strong Road SE, approximately 2,000 feet north of the subject property. The applicant shall be required to construct a minimum 18-inch S-1 water main in Reed Road SE from Strong Road SE to J Avenue SE, and through the subject property to Strong Road SE at A Avenue SE, and to the Coburn Reservoir site. A 12-inch main is required in Reed Road SE from J Avenue SE to Battle Creek Road SE, and in Battle Creek Road SE from Reed Road SE to M Street SE.

The Water System Master Plan specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. The subject property surrounds the site of the future Coburn Reservoir (tax lots 083W12C00701 and 083W11D00101). The existing reservoir site does not provide two acres of land needed for construction of the reservoir. Therefore, the applicant shall be required to convey lot 106 for future construction of Coburn Reservoir.

Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a). In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of entering into a temporary facilities access agreement with the City and paying

a temporary access fee (TAF). The TAF for this area of the S-1 service area is based on approximately 9 million dollars of improvements needed to serve 750 acres of undeveloped land, totaling \$12,000 per acre. The total S-1 area for the subject property is 31.0 acres; therefore, the TAF shall be a total of \$372,000. The TAF has been apportioned to each section based on the number of lots being created in the S-1 area as shown in the following table:

Section	S-1 Lots	Percentage	TAF Amount
A	82	51.5	\$191,849
B	6	3.8	\$14,038
C	37	23.3	\$86,566
D	34	21.4	\$79,547

All lots will be served by sewer as depicted on the applicant's preliminary utility plan. 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. If off-site easements are needed and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

The proposed development is subject to the revised 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. The applicant's engineer has submitted a preliminary design report that demonstrates compliance with PWDS. Prior to final plat of all subdivision phases, the applicant shall provide an engineered stormwater design pursuant to SRC Chapter 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets. If off-site easements are needed because of topographic constraints for stormwater discharge from the northerly terminus of I Avenue SE and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050

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. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. 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.**

**Findings**—Battle Creek Road SE, Reed Road SE, and Strong Road SE abut the subject property and do not meet the current standard for their classification of street. Pursuant to SRC 200.055(d), boundary street improvements and right-of-way dedication are required along Battle Creek Road SE, Reed Road SE, and Strong Road SE based on their street classification. Reed Road SE and Battle Creek Road SE are designated as Minor Arterial streets in the TSP. Reed Road SE abuts the northwestern boundary of the subject property and Battle Creek Road SE the southern property line. Currently, Battle Creek Road SE and Reed Road SE do not meet Minor Arterial standards. The applicant will be required to convey for dedication half-width right-of-way equal to 36 feet from center line and construct a half-street improvement along the entire frontage to a Minor Arterial standard. Strong Road SE is designated as a Collector street in the Salem TSP and does not meet current standards for right-of-way and street improvement widths. The applicant shall convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Strong Road SE and construct a 15-foot-wide half-street improvement on the development side of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE (SRC 803.040).

A realignment of the intersection at Battle Creek Road SE and Reed Road SE is warranted because the intersection angle does not meet PWDS. The applicant shall be required to construct a realigned intersection of Battle Creek Road SE and Reed Road SE to Minor Arterial standards pursuant to PWDS and acquire and/or convey land for dedication of right-of-way as needed to construct the improvements (SRC 803.025). The new intersection shall include a westbound to southbound left-turn lane on Reed Road SE, a southbound to eastbound left-turn lane on Battle Creek Road SE, a northbound to eastbound right-turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

The application materials request several alternate street standards pursuant to SRC 803.065 for internal streets. These street sections meet the criteria for alternative street standards as described below:

1. A few short sections of internal streets (I Avenue, J Avenue, and K Street) require a street grade up to 15 percent as shown on the Slope Exceptions Plan. These street sections are warranted because of topographic constraints.
2. K Street from J Avenue to the east line of the subject property, M Street from J Avenue to O Street, and N Street from the north line of the subject property to M Street, are proposed for a 52-foot-wide right-of-way. The minimum right-of-way for these streets shall be 52 feet with a minimum 4-foot-wide landscape strip between the curb and sidewalk. These alternative standards are warranted because of topographic constraints.

3. K Street, M Street, and N Street have block lengths exceeding 600 feet. The applicant shall be required to install mid-block pedestrian accessways between M Street and N Street and between M Street and K Street. These longer block lengths are warranted because of topographic constraints.

Pursuant to UG Preliminary Declaration 17-03, the applicant proposed a neighborhood park within the development along Reed Road SE. The standard Minor Arterial street section includes bike lanes, but not parking. Neighborhood parks are generally located on local streets. Neighborhood park standards do not generally include a separate parking lot, but instead are served by on-street parking. Therefore, the applicant is required to provide on-street parking along Reed Road SE in order to provide safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas to neighborhood activity centers within one-half mile of the development.

**SRC 205.010(d)(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.**

**Findings**—No sidewalk exists along portions of the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE. Sidewalk improvements are required to provide safe pedestrian access to the proposed park being developed in conjunction with the proposed development. The applicant shall construct a pedestrian access route along missing sections of sidewalk on the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE in conjunction with the Apartment Site project.

No parks facilities are available to serve the proposed development. The Comprehensive Parks System Master Plan shows that a Neighborhood Park (NP 32) and Urban Park (UP 3) are planned on or near the subject property. The applicant shall reserve property for dedication of neighborhood park facility NP-32 based on sizing criteria established in SRC 200.075(b). The City is in contract to purchase a 7.35-acre portion of the subject property for a future park, which would satisfy this condition.

**SRC 205.010(d)(7)—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.**

**Findings**—The applicant submitted a TIA from Associated Transportation Engineering & Planning, Inc. on June 20, 2018. The TIA recommends additional turn lanes to be constructed at the intersection of Battle Creek Road SE and Reed Road SE. The Assistant City Traffic Engineer has determined that additional mitigation measures are necessary based on the volume of traffic being generated by the development.

Based on the TIA data, the applicant shall be required to construct a realigned intersection of Battle Creek Road SE and Reed Road SE to Minor Arterial standards pursuant to PWDS, and acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. The new intersection shall include a westbound to southbound left-turn lane on Reed Road SE, a southbound to eastbound left-turn lane on Battle Creek Road SE, a northbound to eastbound right-turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. The reconstruction and alignment of the intersection is needed to provide safe turning movement onto Reed Road SE for the additional 177 dwellings.

A future signal will be warranted in the future at the intersection of Battle Creek Road SE and Reed Road SE. Based on the TIA, the proposed development will add 32 PM peak hour vehicles to the intersection at Battle Creek Road SE and Reed Road SE, which is a 3.04 percent increase because the intersection currently has 1,056 vehicles at build-out during the PM peak hour. The applicant is required to pay a temporary access fee of 3.04 percent of the future signal and interconnect cost of \$450,000, or \$13,680.

Prepared by: Jennifer Scott, Program Manager  
cc: File