

# 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 información, por favor llame 503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**PLANNED UNIT DEVELOPMENT FINAL PLAN CASE NO.: PUD22-01**

**APPLICATION NO.: 21-122254-LD**

**NOTICE OF DECISION DATE:** August 31, 2022

**SUMMARY:** A Planned Unit Development Final Plan for Phase 2 of East Park Estates including 79 lots and an open space area. The Planning Commission previously approved Planned Unit Development Tentative Plan (CPC-ZC-PUD-SUB-ADJ19-08) for this proposal.

**REQUEST:** An application for a Planned Unit Development Final Plan for Phase 2 of East Park Estates which includes 79 units and an open space area, for property approximately 122 acres in size, zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential) and CR (Retail Commercial), and located at 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessors Map and Tax Lot numbers: 072W29B / 00200, 00201, 00300 and 00400 and 072W29C / 00100, 00101, 00199, 00200, 00300 and 00400).

**APPLICANT:** Multi-Tech Engineering Services Inc. on behalf of East Park LLC

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

**CRITERIA:** Salem Revised Code (SRC) Chapter 210.030(d) – Planned Unit Development Final Plan

**FINDINGS:** The findings are in the attached Decision dated August 31, 2022.

**DECISION:** The **Planning Administrator APPROVED** Planned Unit Development Final Plan Case No. PUD22-01 subject to the following conditions of approval:

The rights granted by the attached decision must be exercised, or an extension granted, by August 31, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>January 10, 2022</u>
Notice of Decision Mailing Date:	<u>August 31, 2022</u>
Decision Effective Date:	<u>August 31, 2022</u>
State Mandate Date:	<u>October 8, 2022</u>

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

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, not later than 21 days after the decision date. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

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

### DECISION

IN THE MATTER OF THE	)	FINDINGS AND ORDER
APPROVAL OF THE PLANNED UNIT	)	
DEVELOPMENT FINAL PLAN	)	
CASE NO. PUD22-01	)	
255 CORDON ROAD NE,	)	
4800-4900 BLOCK OF STATE STREET,	)	
AND 4700-4800 BLOCK OF AUBURN	)	
ROAD NE - 97301	)	AUGUST 31, 2022

### REQUEST

Summary: A Planned Unit Development Final Plan for Phase 2 of East Park Estates including 78 lots and an open space area. The Planning Commission previously approved Planned Unit Development Tentative Plan (CPC-ZC-PUD-SUB-ADJ19-08) for this proposal.

Request: An application for a Planned Unit Development Final Plan for Phase 2 of East Park Estates which includes 78 units and an open space area, for property approximately 122 acres in size, zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential) and CR (Retail Commercial), and located at 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessors Map and Tax Lot numbers: 072W29B / 00200, 00201, 00300 and 00400 and 072W29C / 00100, 00101, 00199, 00200, 00300 and 00400).

### DECISION

The Planned Unit Development Final Plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, unless otherwise indicated.

### PROCEDURAL FINDINGS

On December 14, 2018, an application for a Planned Unit Development (PUD), consolidated with a Comprehensive Plan Map Amendment, Zone Change, and Subdivision (CPC-ZC-PUD-SUB-ADJ19-08) was submitted for the development of the subject property (**Attachment A**) as a planned unit development consisting of 659 single family dwelling units and a 36-unit multi-family complex, for a total of 695 units for property approximately 122 acres in size.

On September 17, 2019, the Planning Commission held a public hearing on the consolidated applications, received testimony, closed the public hearing and left the written record open. On October 15, 2019, the Planning Commission conducted deliberations and voted to approve the consolidated application subject to recommended conditions.

On March 10, 2021, the Planning Administrator issued a final decision approving the Final PUD for Phase 1 of the East Park Estates PUD (PUD20-01).

On July 21, 2022, the Planning Administrator issued a decision approving a third modification of the Tentative Phased Subdivision decision for East Park Estates (CPC-ZC-PUD-SUB-ADJ19-08MOD3).

On December 9, 2021, an application for PUD Final Plan approval for Phase 2 of the East Park Estates PUD was submitted by the applicant as required for Planned Unit Developments under SRC 210.030. The PUD Final Plan application was deemed complete on January 10, 2022. The applicant's proposed PUD Final Plan is included as **Attachment B** and written statement addressing the approval criteria is included as **Attachment C**.

The 120-day state mandated decision deadline for this case was May 10, 2022. On April 20, 2022, a 60-day time extension was granted by the applicant extending the deadline from May 10, 2022 to July 10, 2022. On June 9, 2022, a second 60-day time extension was granted by the applicant extending the deadline from July 10, 2022 to September 8, 2022. On August 10, 2022, a third extension was granted by the applicant for 30-days, extending the deadline from September 8, 2022 to October 8, 2022.

### **Summary of Record:**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 21 122254.

## **SUBSTANTIVE FINDINGS**

### **1. Salem Area Comprehensive Plan (SACP) Designation**

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Single Family Residential". The subject property is within the Urban Growth Boundary and is located outside of the Urban Service Area.

Urban Growth Area Preliminary Declaration Case No. UGA09-07MOD1 sets forth the public facilities that are required to serve the subject property prior to development.

### **2. Zoning and Surround Land Uses**

The East Park Estates Planned Unit Development and phased subdivision consists of property zoned RS (Single Family Residential), RM-I and RM-II (Multiple Family Residential), and includes six phases of development. The proposed PUD Final Plan for Phase 2 includes a total of 78 lots for development of single-family dwellings, and one open space tract. Phase 2 of the PUD is located entirely in the RS (Single Family Residential) zone.

Zoning designations for surrounding properties is as follows:

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

### **3. Proposed Development**

The proposed PUD Final Plan application is for Phase 2 of the PUD, containing approximately 11.26 acres and consisting of 78 individual lots and one open space tract (**Attachment B**).

### **4. Neighborhood and Citizen Comments**

The subject property is located within the boundaries of the East Lancaster Neighborhood Association (ELNA).

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to Table 300-2, the proposed Planned Unit Development Final Plan included in this proposed land use application request does not require neighborhood association contact.

#### Neighborhood Association Comments

Notice of the proposed modification of tentative phased subdivision plan approval was provided to the East Lancaster Neighborhood Association (ELNA) pursuant to SRC 300.520(b)(1)(B)(v), which requires 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 the ELNA.

#### Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed modification of tentative phased subdivision plan approval. Two public comments were received, one indicating no objections and the other indicating that existing trees should be preserved on the property line, and that a chain link fence should be installed.

**Staff Response:** The applicant has previously submitted a Tree Conservation Plan pursuant to the City's Tree Preservation Ordinance (SRC Chapter 808). The applicant is required to follow the tree preservation requirements outlined in the Tree

Conservation Plan decision. Future residential development on the proposed lots is required to include new trees planted on the property prior to final occupancy.

Staff recommends that the applicant contact and work with abutting property owners on an acceptable type of fencing and shared maintenance along the perimeter of the Planned Unit Development.

## 5. City Department and Public Agency Comments

Building and Safety Division - Reviewed the proposal and indicated no objections.

Fire Department - Reviewed the proposed and indicated that dead end streets with fire department access in excess of 150 feet requires an approved turnaround.

Public Works Department - Reviewed the proposal and provided a memo included as **Attachment D**.

Marion County Public Works - Reviewed the proposal and provided comments included as **Attachment E**.

Salem-Keizer Public Schools - Reviewed the proposal and provided comments included as **Attachment F**.

## 6. Analysis of Planned Unit Development (PUD) Final Plan Approval Criteria.

SRC 210.030(d) sets forth the following criteria that must be met before approval can be granted to the final plan of a Planned Unit Development. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the planned unit development final plan/plat for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the planned unit development final plan, or for the issuance of certain conditions to ensure the criteria are met.

### (1) ***Substantial Conformance.***

(A) ***The PUD final plan is in substantial conformance with the PUD tentative plan. Substantial conformance for the following specific components of the PUD final plan exists when a comparison of the approved PUD tentative plan with the PUD final plan shows that:***

(i) ***The number of dwelling units is within 10 percent of the number of dwelling units shown on the PUD tentative plan, but in no case shall the number of dwelling units exceed the limits set forth this Chapter;***

**Finding:** Phase 2 for the PUD tentative plan included development of 78-single family residential lots and one open space tract. The proposed PUD final plan indicates that 78 single family residential lots and one open space tract are proposed. The same number of dwelling units lots and open space tracts are proposed in the PUD final plan as approved in the PUD tentative plan. The proposed PUD final plan is consistent with this approval criterion.

- (ii) *Setbacks, and distances between main buildings, are within 10 percent of those shown on the PUD tentative plan, but in no case shall the setbacks and distances be reduced below the minimums set forth in this Chapter;***

**Finding:** The tentative PUD did not include a plan for development of main buildings in Phase 2. Conformance with the setback and development standards of the PUD will be verified at the time of plan review for the individual dwelling units. The proposed PUD final plan is consistent with this approval criterion.

- (iii) *Building sizes do not exceed the building sizes shown on the PUD tentative plan by more than 10 percent.***

**Finding:** The tentative PUD did not include plans for development of individual buildings in Phase 2. Conformance with the setback and development standards of the PUD will be verified at the time of plan review for the individual dwelling units. The proposed PUD final plan is consistent with this approval criterion.

- (iv) *Building locations do not depart by more than 10 percent from the building locations shown on the tentative PUD plan;***

**Finding:** As indicated in the findings above, the tentative PUD approval did not include building locations. Conformance with the setback and development standards of the PUD will be verified at the time of plan review for the individual dwelling units. The proposed PUD final plan is consistent with this approval criterion.

- (v) *Common open space within the PUD final plan conforms to the following:***
- (aa) *If the common open space is to be improved as a recreational amenity, the area designated as common open space has not been reduced by more than 10 percent.***
  - (bb) *If the common open space is to be permanently set aside for passive and/or active recreational use, the area designated as common open space has not been reduced by more than 10 percent.***
  - (cc) *If the common open space is to preserve significant natural feature, the area designated as common open space has not been reduced by more than 5 percent.***
  - (dd) *If the common open space is to preserve a significant cultural feature, the area designated as common open space is identical to that shown on the PUD tentative plan; and***

**Finding:** The amount of common outdoor open space provided for Phase 2 has not been reduced. The final PUD plan is in substantial conformance with the PUD tentative plan.

**(vi) *If unique or innovative design concepts are employed, the final design conforms with the unique or innovative design concepts as approved in the PUD tentative plan.***

**Finding:** The PUD tentative plan did not include any unique or innovative design concepts in its approval, this criterion is not applicable to the PUD final plan approval.

**(B) *Nothing in subparagraph (1)(A) of this paragraph shall be deemed to prohibit a reduction in the number of dwelling units or an increase in the amount of common open space. If the PUD is constructed in phases, the number of dwelling units reduced in one phase shall not be used to increase the number of dwelling units in any subsequent phase; and an increase in common open space in one phase shall not be used to reduce the amount of common open space in any subsequent phase.***

**Finding:** The number of dwelling units and common outdoor open space areas provided for Phase 2 has not been reduced. The final PUD plan is in substantial conformance with the PUD tentative plan.

**(C) *Notwithstanding the changes allowed under subparagraph (1)(A) of this paragraph, a PUD final plan is not in substantial conformance with the PUD tentative plan if the cumulative effect of the changes made pursuant to subparagraph (1)(A) of this paragraph results in a significant modification to the approved PUD tentative plan.***

**Finding:** As identified in the findings above, the PUD final plan is in substantial conformance with the PUD tentative plan approval.

**(2) *Except as allowed under paragraph (1) of this subsection, the conditions of approval on the PUD tentative plan have been met.***

**Finding:** The PUD tentative plan was subject to conditions of approval that apply to the zone change and all phases of development (Conditions 1-18), and seven conditions of approval that apply specifically to Phase 2 (Conditions 29-35). The conditions of approval applicable to Phase 2 of the proposed development have been met, as required by the criterion, as follows:

**CONDITIONS APPLICABLE TO ZONE CHANGE:**

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

**FINDING:** *The East Park Estates PUD – Phase 1 development is a 147-Lot Single Family development generating 1,388 average daily trips (ADT). Phase 2 will create 79 new residential lots, resulting in 746 average daily trips. The total ADT of the two phases after full buildout will be 2,134 trips.*

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

*FINDING: The requirements of the mentioned UGA permits will be reviewed and completed with each appropriate Phase of the development.*

CONDITIONS APPLICABLE TO ALL PHASES:

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

*FINDING: The Applicant was granted approval for the Validation of Unit of Land through the Community Development Department (Case No. VUL20-01). The Final Partition Plat was recorded with Marion County Clerk on October 22, 2020 as Partition 2020-61 and recorded in Deed Records in Reel 4399, Page 414. This Condition is met.*

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

*FINDING: Each phase of the development will be reviewed and approved by the City of Salem Engineering Department and the Fire Marshal for adequate access and water supply. This Condition is met.*

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

*FINDING: Design aspects of the Multi-Family buildings will be reviewed with the future development of Phase 6. This Condition will be met with future development of the PUD.*

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

*FINDING: Homeowner's Association and CC&R documents have been approved by the City's Legal Department. Final Version of those documents are attached to City Permit No.: 20-114739-LD. This Condition is met.*



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

*FINDING: This Condition pertains to the future development of the Multi-Family Phase (Phase 6). This Condition will be met with future development of the PUD.*

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

*FINDING: This Condition pertains to the future development of the Multi-Family Phase (Phase 6). This Condition will be met with future phases of the PUD.*

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

*FINDING: The Applicant has obtained approval of a Tree Conservation Plan through Planning. The Applicant shall comply with the requirements of TCP19-15 (City Permit No. 18-124475-NR). This Condition is met for Phase 1.*

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

*FINDING: Oregon Department of State Lands Permit No. 62644-RF was issued September 01, 2020. The US Army Corp of Engineers Permit No. NWP-2020-197 was issued July 21, 2020, and covers Phases 1 and 2 of the overall projects. Additional Federal permits will be required for future phases. This Condition is met for Phase 2.*

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

*FINDING: Plans approved with City Permit No. 20-113122-PC demonstrate all internal streets to be constructed with property line sidewalks and 4-foot landscape strips as required by this Condition. This Condition is met.*

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

*FINDING: The proposed Phase 2 Final Plat demonstrates access and utility easements. The City Surveyor and Public Works Engineering Division will review the easements with the Plat. This Condition will be met.*

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

*FINDING: The proposed Final Plat demonstrates a 10-foot public utility easement along all interior street frontages. This Condition is met.*

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

*FINDING: Public Construction plans approved with City Permit No. 20-113122-PC demonstrate City infrastructure to adjacent parcels as applicable. This Condition is met.*

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

*FINDING: Public Construction plans approved with City Permit No. 20-113122-PC demonstrate all lots within Phase 2 will be served with water, stormwater, and sewer services. This Condition is met.*

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

*FINDING: Public Construction plans approved with City Permit No. 20-113122-PC demonstrate stormwater facility accommodations for future impervious surfaces for all lots within Phase 2. This Condition is met.*

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

*FINDING: The Applicant shall obtain all necessary Street Tree Permits, as required by this Condition, as development occurs. This Condition will be met.*

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

*FINDING: This Condition was met with Phase 1.*

#### CONDITIONS APPLICABLE TO PHASE 1:

*FINDING: Conditions 19 through 28 were completed with the recording of the Phase 1 Final Plat.*

#### CONDITIONS APPLICABLE TO PHASE 2:

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

*FINDING: Public Construction plans issued with City Permit 20-113122-PC demonstrate the required 12-inch water main in Auburn Road NE. This Condition is met.*

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

*FINDING: The Applicant and Marion County have executed the appropriate Private Development Agreement. The approval of the Agreement is confirmed by Max Hepburn, PE, Marion County Land Development Engineering & Permit Supervisor. This Condition is met.*

Condition 31 (MOD3): Construct an eastbound-to-southbound right-turn lane at the intersection of Auburn Road NE and Cordon Road NE as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.

*FINDING: Public Construction plans issued with City Permit 20-113122-PC demonstrate an eastbound-to-southbound right-turn lane as required by this Condition. The Applicant has recorded a "Permanent Right-of-Way Easement" in Marion County, Oregon (Reel 4645, Page 495) for the purpose of constructing the right-turn lane at Auburn Road NE and Cordon Road NE. The Condition is met.*

Condition 32: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 2A and Phase 2B frontages of Auburn Road NE.

*FINDING: The Final Plat recorded with Phase 1 (Marion County Book of Town Plats H48, Page 91) dedicated 16-feet along the frontage of Phase 2A and 2B, for a total width of 36-feet from centerline of Auburn Road NE. This Condition is met.*

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

*FINDING: The Public Construction plans (City Permit No. 20-113122-PC) demonstrate the required three-quarter-street improvement along the entire Auburn Road frontage. This Condition is met.*

Condition 34 (MOD3): Construct Greencrest Street NE to Collector B standards from Auburn Road NE to State Street. Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of Greencrest Street NE and State Street, as specified in the TIA.

*FINDING: Public Construction plans issued with City Permit 20-113122-PC demonstrate the required Greencrest Street NE improvements from Auburn Road to approximately STA15+00. Plans issued with City Permit 20-118530-PC demonstrate the remaining Greencrest Street NE improvements from STA 15+00*

*to State Street. Plans for City Permit 20-118530-PC also demonstrate the required turning lane requirements in State Street. This Condition is met.*

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

*FINDING: The Public Construction plans issued with City Permit No. 20-113122-PC demonstrate the required turn lane improvements at the Greencrest Street NE and Auburn Road NE intersection. This Condition is met.*

CONDITIONS 36-57:

*FINDING: Conditions 36 through 57 will be completed with recording of future phases of development.*

- (3) *The articles of the homeowners' association satisfy the standards set forth in SRC 210.055(b).***

**Finding:** The applicant had previously submitted the Homeowners Association Agreement and Covenants, Conditions, and Restrictions (CC&R) documents to the City Attorney for review with this phase of the PUD. The documents were found to meet the requirements as conditioned and are in compliance with the provisions of SRC 210.055(b) and are applicable to each phase of development.

- (4) *For planned unit developments with a land division, SRC 205.035(c)(6) has been met. If the PUD does not include a land division, the City Engineer has determined that each building or structure on the PUD final plan can be adequately served by the following City infrastructure and private improvements:***
- (A) *A domestic water supply;***
  - (B) *A sanitary sewage disposal system;***
  - (C) *Streets improved to the extent that adequate paved access is provided to each building or structure;***
  - (D) *A storm water discharge system; and***
  - (E) *Fire hydrants installed to fire code standards.***

**Finding:** A land division is included with this Planned Unit Development. Pursuant to SRC 205.035(c)(6), easements shall be shown on the plat in accordance with SRC 205.080.

- (5) *The owner has entered into an improvement agreement with the City providing that any improvements required to be constructed which are not complete at the time of submission of the PUD final plan will be completed within 18 months of PUD final plan approval, and the owner has furnished sufficient performance security, as provided in SRC 110.100, to ensure completion of the improvements. The time within which the improvements***

***must be completed may be extended for one additional 6-month period, subject to prior written approval from the Director.***

**Finding:** The required public/private improvements are secured with Improvement Agreements recorded in Marion County at Reel 4469, Page 473, and Reel 4571, Page 374. The applicant has also provided the appropriate tangible performance guarantees for the boundary street improvements.

- (6) *If applicable, the applicant has executed a fee-in-lieu agreement pursuant to SRC 200.400 through 200.420.***

**Finding:** No fee in lieu agreements are warranted or applicable to this phase of the PUD.

## **9. Conclusion**

Based upon review of SRC 210.030(d), the findings contained under section 8 of this decision, and the comments described, the PUD final plan, complies with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

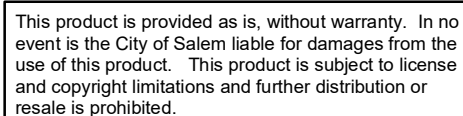
The Planned Unit Development Final Plan for Phase 2 of East Park Estates which includes a total of 78 lots for development of single-family dwellings, and one open space tract, for property zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential) and CR (Retail Commercial), and located at 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessors Map and Tax Lot numbers: 072W29B / 00200, 00201, 00300 and 00400 and 072W29C / 00100, 00101, 00199, 00200, 00300 and 00400) is hereby APPROVED subject to SRC Chapter 210.



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Aaron Panko, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP,  
Planning Administrator

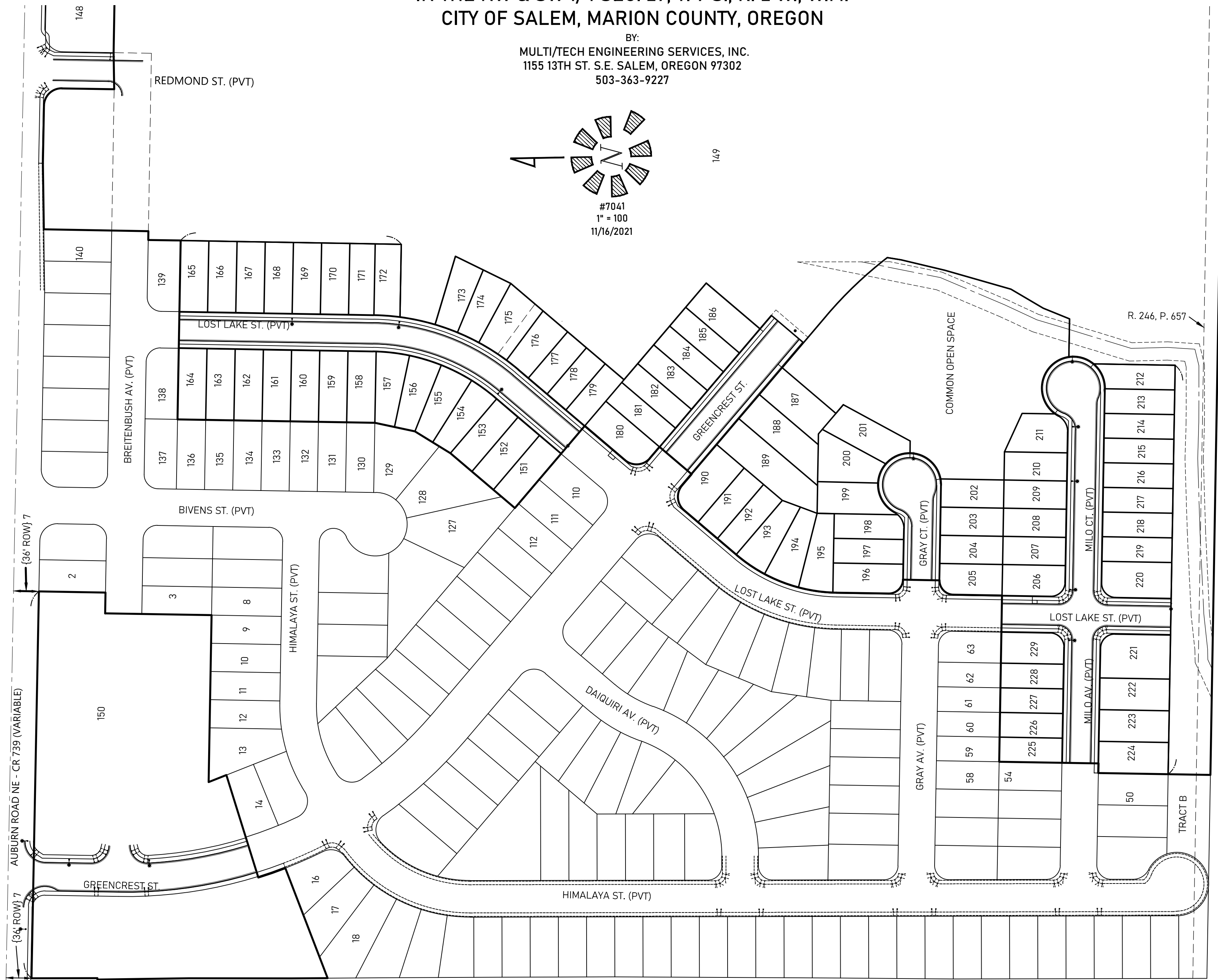
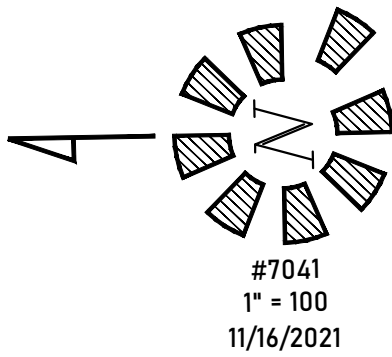
- Attachments:
- A. Vicinity Map
  - B. PUD-Subdivision Final Plan
  - C. Applicant's Written Statement
  - D. Salem Public Works Department Comments
  - E. Marion County Public Works Comments
  - F. Salem Keizer Public Schools Comments





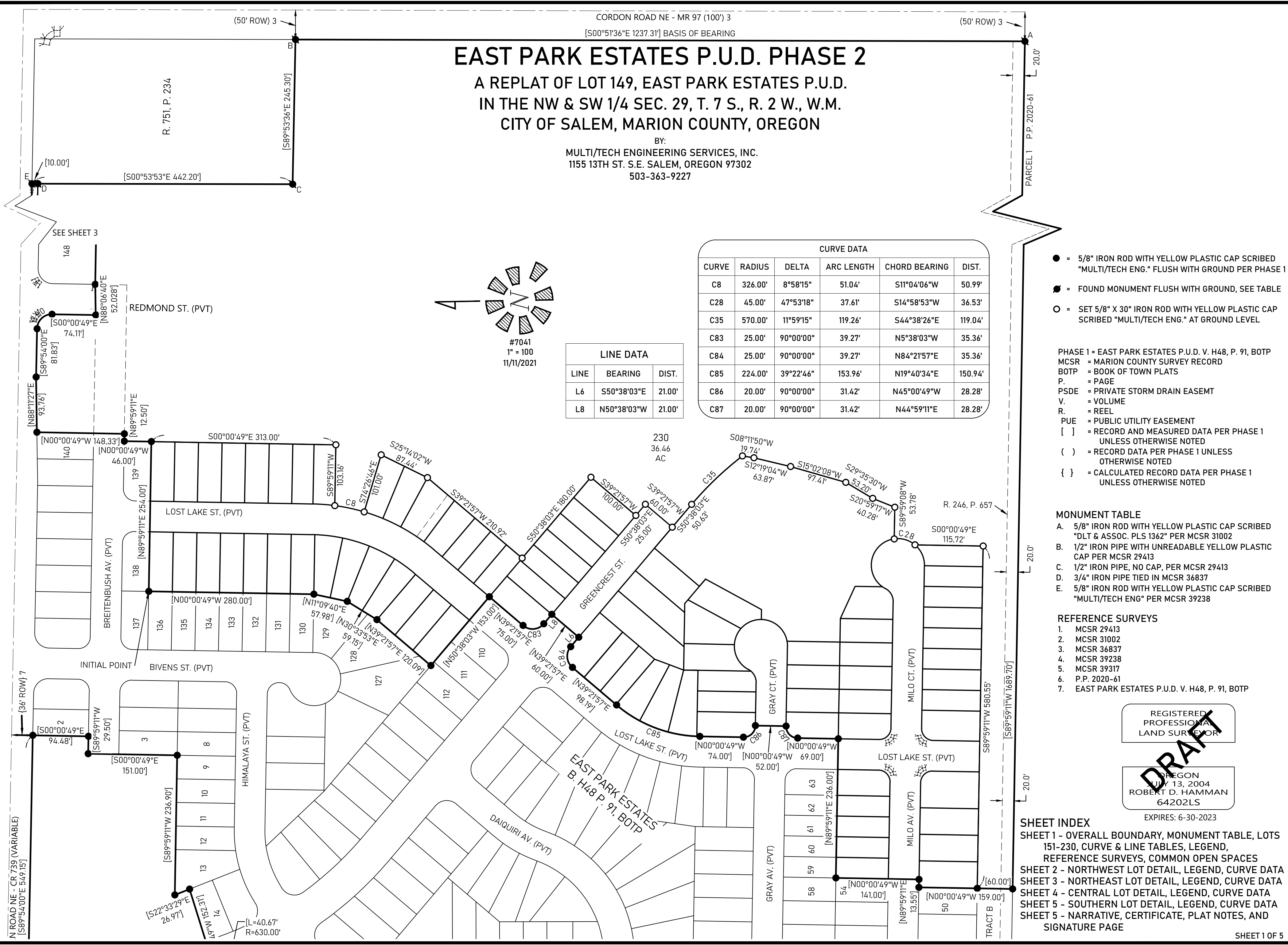
EAST PARK ESTATES P.U.D. PHASE 2  
A REPLAT OF LOT 149, EAST PARK ESTATES P.U.D.  
IN THE NW & SW 1/4 SEC. 29, T. 7 S., R. 2 W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227



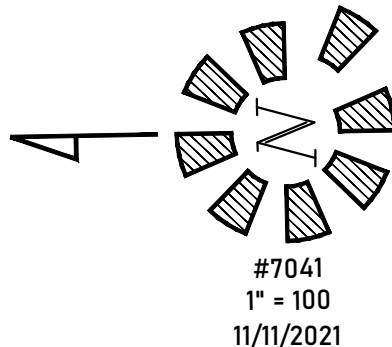
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PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS  
EXPIRES: 6-30-2023



EAST PARK ESTATES P.U.D. PHASE 2  
A REPLAT OF LOT 149, EAST PARK ESTATES P.U.D.  
IN THE NW & SW 1/4 SEC. 29, T. 7 S., R. 2 W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227



LINE DATA		
LINE	BEARING	DIST.
L6	S50°38'03"E	21.00'
L8	N50°38'03"W	21.00'

CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C8	326.00'	8°58'15"	51.04'	S11°04'06"W	50.99'
C28	45.00'	47°53'18"	37.61'	S14°58'53"W	36.53'
C35	570.00'	11°59'15"	119.26'	S44°38'26"E	119.04'
C83	25.00'	90°00'00"	39.27'	N5°38'03"W	35.36'
C84	25.00'	90°00'00"	39.27'	N84°21'57"E	35.36'
C85	224.00'	39°22'46"	153.96'	N19°40'34"E	150.94'
C86	20.00'	90°00'00"	31.42'	N45°00'49"W	28.28'
C87	20.00'	90°00'00"	31.42'	N44°59'11"E	28.28'

- = 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG." FLUSH WITH GROUND PER PHASE 1
- = FOUND MONUMENT FLUSH WITH GROUND, SEE TABLE
- = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG." AT GROUND LEVEL

PHASE 1 = EAST PARK ESTATES P.U.D. V. H48, P. 91, BOTP  
MCSR = MARION COUNTY SURVEY RECORD  
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P. = PAGE  
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( ) = RECORD DATA PER PHASE 1 UNLESS OTHERWISE NOTED  
{ } = CALCULATED RECORD DATA PER PHASE 1 UNLESS OTHERWISE NOTED

- MONUMENT TABLE
- A. 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "DLT & ASSOC. PLS 1362" PER MCSR 31002
  - B. 1/2" IRON PIPE WITH UNREADABLE YELLOW PLASTIC CAP PER MCSR 29413
  - C. 1/2" IRON PIPE, NO CAP, PER MCSR 29413
  - D. 3/4" IRON PIPE TIED IN MCSR 36837
  - E. 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG" PER MCSR 39238

- REFERENCE SURVEYS
- 1. MCSR 29413
  - 2. MCSR 31002
  - 3. MCSR 36837
  - 4. MCSR 39238
  - 5. MCSR 39317
  - 6. P.P. 2020-61
  - 7. EAST PARK ESTATES P.U.D. V. H48, P. 91, BOTP

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS

EXPIRES: 6-30-2023

- SHEET INDEX
- SHEET 1 - OVERALL BOUNDARY, MONUMENT TABLE, LOTS 151-230, CURVE & LINE TABLES, LEGEND, REFERENCE SURVEYS, COMMON OPEN SPACES
  - SHEET 2 - NORTHWEST LOT DETAIL, LEGEND, CURVE DATA
  - SHEET 3 - NORTHEAST LOT DETAIL, LEGEND, CURVE DATA
  - SHEET 4 - CENTRAL LOT DETAIL, LEGEND, CURVE DATA
  - SHEET 5 - SOUTHERN LOT DETAIL, LEGEND, CURVE DATA
  - SHEET 5 - NARRATIVE, CERTIFICATE, PLAT NOTES, AND SIGNATURE PAGE



# EAST PARK ESTATES P.U.D. PHASE 2

A REPLAT OF LOT 149, EAST PARK ESTATES P.U.D.  
IN THE NW & SW 1/4 SEC. 29, T. 7 S., R. 2 W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227

CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C1	274.00'	8°32'47"	40.87'	N35°05'33"E	40.83'
C2	274.00'	10°04'07"	48.15'	N25°47'06"E	48.09'
C3	274.00'	9°51'27"	47.14'	N15°49'19"E	47.08'
C4	274.00'	9°58'16"	47.68'	N5°54'28"E	47.62'
C5	274.00'	0°56'08"	4.47'	N0°27'15"E	4.47'
C6	326.00'	0°04'45"	0.45'	S0°01'34"W	0.45'
C7	326.00'	6°31'03"	37.08'	S3°19'27"W	37.06'
C8	326.00'	8°58'15"	51.04'	S11°04'06"W	50.99'
C9	326.00'	5°54'14"	33.59'	S18°30'21"W	33.58'

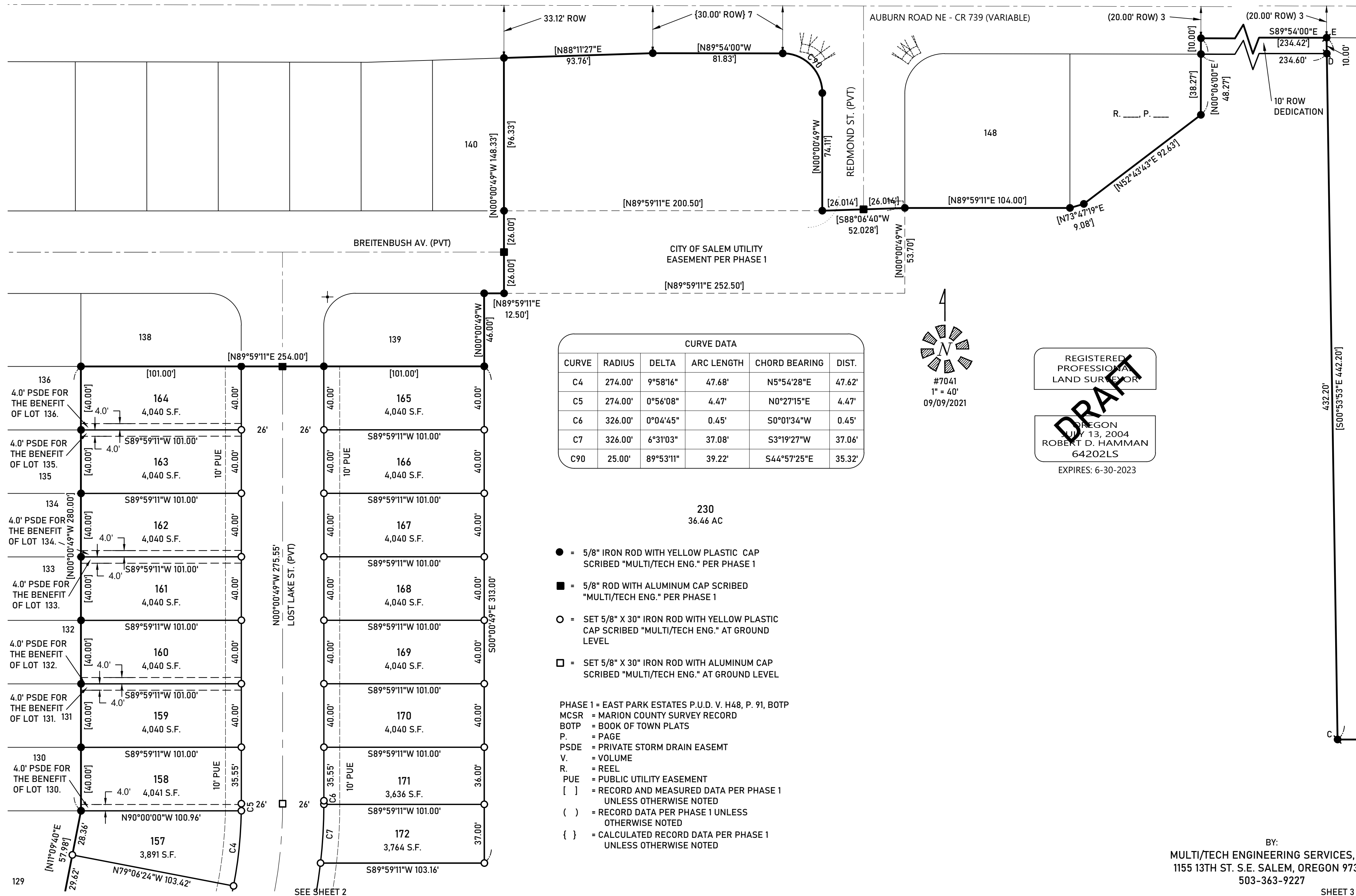
CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C10	326.00'	5°54'14"	33.59'	S24°24'35"W	33.58'
C11	326.00'	8°11'27"	46.60'	S31°27'26"W	46.57'
C12	326.00'	3°48'48"	21.70'	S37°27'33"W	21.69'
C13	224.00'	12°11'30"	47.66'	S33°16'12"W	47.57'
C14	224.00'	13°14'51"	51.79'	S20°33'01"W	51.68'
C15	224.00'	12°39'40"	49.50'	S7°35'46"W	49.40'
C16	224.00'	1°16'45"	5.00'	S0°37'33"W	5.00'
C17	25.00'	50°43'51"	22.14'	N64°37'16"E	21.42'
C18	25.00'	12°03'59"	5.26'	N33°13'21"E	5.26'

CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C19	45.00'	64°56'23"	51.00'	N59°39'33"E	48.32'
C20	45.00'	38°11'50"	30.00'	S68°46'20"E	29.45'
C21	45.00'	49°39'36"	39.00'	S24°50'37"E	37.79'
C83	25.00'	90°00'00"	39.27'	N5°38'03"W	35.36'
C84	25.00'	90°00'00"	39.27'	N84°21'57"E	35.36'
C85	224.00'	39°22'46"	153.96'	N19°40'34"E	150.94'
C86	20.00'	90°00'00"	31.42'	N45°00'49"W	28.28'



# EAST PARK ESTATES P.U.D. PHASE 2

A REPLAT OF LOT 149, EAST PARK ESTATES P.U.D.  
IN THE NW & SW 1/4 SEC. 29, T. 7 S., R. 2 W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON



CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C4	274.00'	9°58'16"	47.68'	N5°54'28"E	47.62'
C5	274.00'	0°56'08"	4.47'	N0°27'15"E	4.47'
C6	326.00'	0°04'45"	0.45'	S0°01'34"W	0.45'
C7	326.00'	6°31'03"	37.08'	S3°19'27"W	37.06'
C90	25.00'	89°53'11"	39.22'	S44°57'25"E	35.32'

- = 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG." PER PHASE 1
- = 5/8" ROD WITH ALUMINUM CAP SCRIBED "MULTI/TECH ENG." PER PHASE 1
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BY:  
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503-363-9227

# EAST PARK ESTATES P.U.D. PHASE 2

A REPLAT OF LOT 149, EAST PARK ESTATES P.U.D.

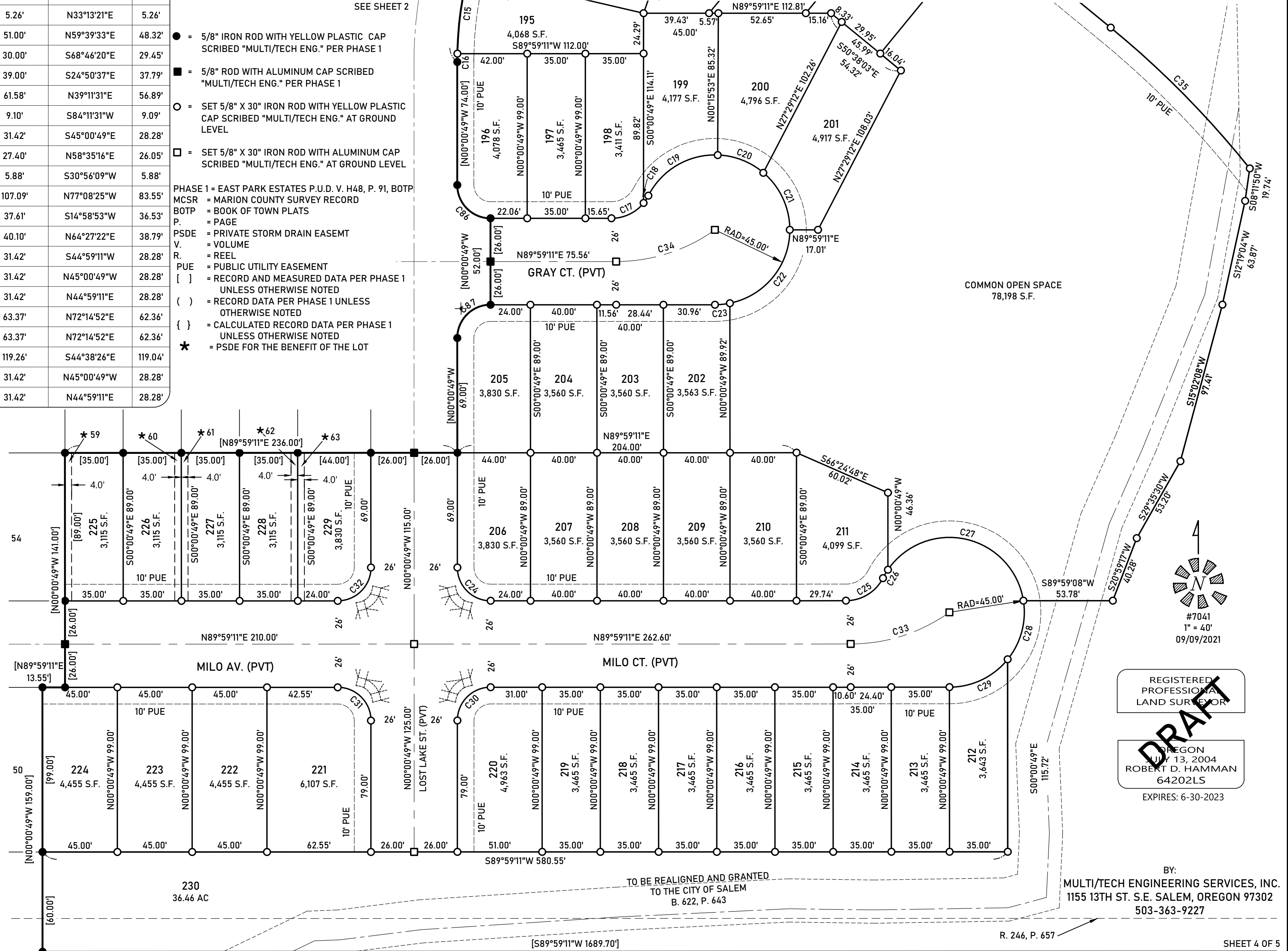
IN THE NW & SW 1/4 SEC. 29, T. 7 S., R. 2 W., W.M.

CITY OF SALEM, MARION COUNTY, OREGON

SEE SHEET 2

CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C16	224.00'	1°16'45"	5.00'	S0°37'33"W	5.00'
C17	25.00'	50°43'51"	22.14'	N64°37'16"E	21.42'
C18	25.00'	12°03'59"	5.26'	N33°13'21"E	5.26'
C19	45.00'	64°56'23"	51.00'	N59°39'33"E	48.32'
C20	45.00'	38°11'50"	30.00'	S68°46'20"E	29.45'
C21	45.00'	49°39'36"	39.00'	S24°50'37"E	37.79'
C22	45.00'	78°24'41"	61.58'	N39°11'31"E	56.89'
C23	45.00'	11°35'19"	9.10'	S84°11'31"W	9.09'
C24	20.00'	90°00'00"	31.42'	S45°00'49"E	28.28'
C25	25.00'	62°47'50"	27.40'	N58°35'16"E	26.05'
C26	45.00'	7°29'35"	5.88'	S30°56'09"W	5.88'
C27	45.00'	136°21'18"	107.09'	N77°08'25"W	83.55'
C28	45.00'	47°53'18"	37.61'	S14°58'53"W	36.53'
C29	45.00'	51°03'41"	40.10'	N64°27'22"E	38.79'
C30	20.00'	90°00'00"	31.42'	S44°59'11"W	28.28'
C31	20.00'	90°00'00"	31.42'	N45°00'49"W	28.28'
C32	20.00'	90°00'00"	31.42'	N44°59'11"E	28.28'
C33	102.34'	35°28'37"	63.37'	N72°14'52"E	62.36'
C34	102.34'	35°28'37"	63.37'	N72°14'52"E	62.36'
C35	570.00'	11°59'15"	119.26'	S44°38'26"E	119.04'
C86	20.00'	90°00'00"	31.42'	N45°00'49"W	28.28'
C87	20.00'	90°00'00"	31.42'	N44°59'11"E	28.28'

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SCRIBED "MULTI/TECH ENG." PER PHASE 1
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  - = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC  
CAP SCRIBED "MULTI/TECH ENG." AT GROUND  
LEVEL
  - = SET 5/8" X 30" IRON ROD WITH ALUMINUM CAP  
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OTHERWISE NOTED  
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UNLESS OTHERWISE NOTED  
\* = PSDE FOR THE BENEFIT OF THE LOT



# East Park Estates

## PUD-Final Plan Phase 2

November 30, 2021

### **Application Materials:**

All required application materials have been provided:

- Signed Application
- Application Fee will be paid within 5 business days
- Title Report and Operating Agreements
- Findings
- CC&R's and Homeowners Association Articles
- Conditions of Approval have been addressed in the Findings
- Final PUD Plan

### **Background:**

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

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

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

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

On October 16, 2019, CPC-ZC-PUD-SUB-ADJ19-08 was approved to allow the subject property to be developed with 659 single-family units and 36 multi-family units for a total of 695 units on approximately 122 acres within six (6) phases.

On August 27, 2021, CPC-ZC-PUD-SUB-ADJ19-08MOD2 was approved to allow the subject property to be modified as shown in the decision.

### **Proposal:**

The applicant is requesting Final Plan approval for East Park PUD Phase 2, as approved under CPC-ZC-PUD-SUB-ADJ19-08MOD2.

### **Section 210.030 (d) Criteria-Planned Unit Development Final Plan:**

**(1) Substantial conformance.**

**(A) The PUD final plan is in substantial conformance with the PUD tentative plan. Substantial conformance for the following specific components of the PUD final plan exists when a comparison of the approved PUD tentative plan with the PUD final plan shows that:**

- (i) The number of dwelling units is within ten percent of the number of dwelling units shown on the PUD tentative plan, but in no case shall the number of dwelling units exceed the limits set forth this chapter;**
- (ii) Setbacks, and distances between main buildings, are within ten percent of those shown on the PUD tentative plan, but in no case shall the setbacks and distances be reduced below the minimums set forth in this chapter;**
- (iii) Building sizes do not exceed the building sizes shown on the PUD tentative plan by more than ten percent.**
- (iv) Building locations do not depart by more than ten percent from the building locations shown on the tentative PUD plan;**
- (iv) Common open space within the PUD final plan conforms to the following:**
  - (aa) If the common open space is to be improved as a recreational amenity, the area designated as common open space has not been reduced by more than ten percent.**
  - (bb) If the common open space is to be permanently set aside for passive and/or active recreational use, the area designated as common open space has not been reduced by more than ten percent.**
  - (cc) If the common open space is to preserve significant natural feature, the area designated as common open space has not been reduced by more than five percent.**
  - (dd) If the common open space is to preserve a significant cultural feature, the area designated as common open space is identical to that shown on the PUD tentative plan; and**
- (V) If unique or innovative design concepts are employed, the final design conforms with the unique or innovative design concepts as approved in the PUD tentative plan.**

Findings 1.A(i)-(v): On August 27, 2021, CPC-ZC-PUD-SUB-ADJ19-08MOD2 was approved to allow the subject property to be developed with 659 single-family units and 36 multi-family units for a total of 649 units on approximately 122 acres within seven (7) phases.

Phase 2 was originally approved for 93 lots. There are now 79 lots and an open space area within Phase 2 as shown on the site plans submitted.

As shown on the Final Plan, the number of lots in Phase 2 has decreased, setbacks will be met at the time of building permits, common open space is the same and has not been reduced in size or shape. Therefore, the Final PUD is in substantial conformance with original PUD Plan.

**(B) Nothing in subsection (d)(1)(A) of this section shall be deemed to prohibit a reduction in the number of dwelling units or an increase in the amount of common open space. If the PUD is constructed in phases, the number of dwelling units reduced in one phase shall not be used to increase the number of dwelling units in any subsequent phase; and an increase in common open space in one phase shall not be used to reduce the amount of common open space in any subsequent phase.**

Findings: On August 27, 2021, CPC-ZC-PUD-SUB-ADJ19-08MOD2 was approved to allow the subject property to be developed with 659 single-family units and 36 multi-family units for a total of 649 units on approximately 122 acres within seven (7) phases. Phase 2 was approved for 93 lots and there are now 79 lots within Phase 2 as shown on the site plans submitted.

The number of lots has decreased and the common open space has not changed in Phase 2. Therefore, the Final PUD Plan for Phase 2 is in compliance with the original approval.

***(C) Notwithstanding the changes allowed under subsection (d)(1)(A) of this section, a PUD final plan is not in substantial conformance with the PUD tentative plan if the cumulative effect of the changes made pursuant to subsection (d)(1)(A) of this section results in a significant modification to the approved PUD tentative plan.***

Findings: There are no significant modifications being made to the original PUD plan. All modifications were approved through CPC-ZC-PUD-SUB-ADJ19-08MOD2. The modification were no significant and they were approved. Therefore, the Final PUD Plan for Phase 2 is in compliance with the Code.

***(2) Except as allowed under subsection (d)(1) of this section, the conditions of approval on the PUD tentative plan have been met.***

Findings: As stated below, all Conditions of Approval have been met or will be met. The Conditions outlined below are the Conditions of approval that are applicable to Phase 2.

Condition 11: Construction plans have been approved with property line sidewalks and street trees. Performance security has been provided for these improvements.

Condition 12: Access and utility easements for all private streets and public utilities located within private streets will be shown on the plat.

Condition 13: Public Utility Easements will be shown the plat.

Condition 14: City infrastructure has been designed to all undeveloped adjacent parcels per PWDS. Performance security has been provided for these improvements.

Condition 15: Water, stormwater, and sewer has been designed to serve each lot. Performance security has been provided for these improvements.

Condition 16: Stormwater facilities have been designed per PWDS. Performance security has been provided for these improvements.

Condition 17: There are no trees being removed within City owned property with Phase 2. At the time of tree removal, the applicant will obtain a Street Tree Permit.

Condition 18: All easements will be identified on the Plat.

Condition 29: Water, stormwater, and sewer has been designed to serve each lot. Performance security has been provided for these improvements.

Condition 30: This Condition has been complied with as indicated in the attached recorded Improvement Agreement (Reel 3282/Page 365).

Condition 31: Plans for the traffic signal are currently in review with Marion County and Public Works.

- Condition 32: Shown on the plans currently under review and will be dedicated by the plat. This Condition has been complied with as indicated in the attached recorded Improvement Agreement (Reel 3282/Page 365).
- Condition 33: These improvements are currently in plan review and nearly approved. This Condition has been complied with as indicated in the attached recorded Improvement Agreement (Reel 3282/Page 365).
- Condition 34: These improvements are currently in plan review and nearly approved. This Condition has been complied with as indicated in the attached recorded Improvement Agreement (Reel 3282/Page 365).
- Condition 35: These improvements are currently in plan review and nearly approved. This Condition has been complied with as indicated in the attached recorded Improvement Agreement (Reel 3282/Page 365).

**(3) *The articles of the homeowners' association satisfy the standards set forth in SRC 210.055(b).***

Findings: Draft HOA documents are currently in with the City and under review.

**(4) *For planned unit developments with a land division, SRC 205.035(c)(6) has been met. If the PUD does not include a land division, the Public Works Director has determined that each building or structure on the PUD final plan can be adequately served by the following city infrastructure and private improvements:***

- (A) *A domestic water supply;***
- (B) *A sanitary sewage disposal system;***
- (C) *Streets improved to the extent that adequate paved access is provided to each building or structure;***
- (D) *A stormwater discharge system; and***
- (E) *Fire hydrants installed to fire code standards.***

Findings: The PUD does include land division. Per CPC-ZC-PUD-SUB-ADJ19-08MOD2 approval all requirements within SRC 205.035(c)(6) have been met.

**(5) *The owner has entered into an improvement agreement with the City providing that any improvements required to be constructed which are not complete at the time of submission of the PUD final plan will be completed within 18 months of PUD final plan approval, and the owner has furnished sufficient performance security, as provided in SRC 110.100, to ensure completion of the improvements. The time within which the improvements must be completed may be extended for one additional six-month period, subject to prior written approval from the Director.***

Findings: The owner has entered into an improvement agreement with the City. The improvement agreement is on file with the City, along with the performance security.

**(6) *If applicable, the applicant has executed a fee-in-lieu agreement pursuant to SRC 200.400 through 200.420.***

Findings: There are no fee-in-lieu agreements with this project.








# MEMO

**TO:** Aaron Panko, Planner III  
Community Development Department

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

**DATE:** August 16, 2022

**SUBJECT:** **PUBLIC WORKS ANALYSIS**  
**PUD FINAL PLAN APPROVAL – EAST PARK ESTATES PHASE 2**  
**CASE NO. CPC-ZC-PUD-SUB-ADJ19-08MOD3 (22-111267-LD)**  
**255 CORDON ROAD NE**

## SUMMARY OF FINDINGS

As described below, the proposed development meets the criteria for East Park Estates Phase 2 PUD final plan approval pursuant to SRC 210.030(d) as it relates to public works infrastructure.

## FINDINGS FOR PUD FINAL PLAN APPROVAL

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

A third modification to a previously approved phased Planned Unit Development and Subdivision (Case No. CPC-ZC-PUD-SUB-ADJ19-08, CPC-ZC-PUD-SUB-ADJ19-08MOD1, and CPC-ZC-PUD-SUB-ADJ19-08MOD2), resulting in a change to the phasing schedule for the subdivision, for property approximately 122 acres in size, zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential) and CR (Retail Commercial), and located at 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessors Map and Tax Lot numbers: 072W29B / 00200, 00201, 00300 and 00400 and 072W29C / 00100, 00101, 00199, 00200, 00300 and 00400).

**CASE NO. CPC-ZC-PUD-SUB-ADJ19-08 (18-124472-LD)**

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

*FINDING: The East Park Estates PUD – Phase 1 development is a 147-Lot Single Family development generating 1,388 average daily trips (ADT). Phase 2 will create 79 new residential lots, resulting in 746 average daily trips. The total ADT of the two phases after full buildout will be 2,134 trips.*

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

*FINDING: The requirements of the mentioned UGA permits will be reviewed and completed with each appropriate Phase of the development.*

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

*FINDING: The Applicant was granted approval for the Validation of Unit of Land through the Community Development Department (Case No. VUL20-01). The Final Partition Plat was recorded with Marion County Clerk on October 22, 2020, as Partition 2020-61 and recorded in Deed Records in Reel 4399, Page 414. This Condition is met.*

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

*FINDING: Each phase of the development will be reviewed and approved by the City of Salem Engineering Department and the Fire Marshal for adequate access and water supply. This Condition is met.*

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

*FINDING: Design aspects of the Multi-Family buildings will be reviewed with the future development of Phase 6. This Condition will be met with future development of the PUD.*

**Condition 6: Prior to final PUD plan/plat approval, the applicant shall submit a Homeowners Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney**

**providing for the perpetual maintenance and operation of all common properties and facilities within the development including, but not limited to: private streets, private utilities, open spaces, common facilities, and community areas. The articles of the Homeowners Association shall conform to the provisions of SRC 210.055(b).**

*FINDING: Homeowner's Association and CC&R documents have been approved by the City's Legal Department. Final Version of those documents are attached to City Permit No.: 20-114739-LD. This Condition is met.*

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

*FINDING: This Condition pertains to the future development of the Multi-Family Phase (Phase 6). This Condition will be met with future development of the PUD.*

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

*FINDING: This Condition pertains to the future development of the Multi-Family Phase (Phase 6). This Condition will be met with future phases of the PUD.*

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

*FINDING: The Applicant has obtained approval of a Tree Conservation Plan through Planning. The Applicant shall comply with the requirements of TCP19-15 (City Permit No. 18-124475-NR). This Condition is met for Phase 1.*

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

*FINDING: Oregon Department of State Lands Permit No. 62644-RF was issued September 01, 2020. The US Army Corp of Engineers Permit No. NWP-2020-197 was issued July 21, 2020, and covers Phases 1 and 2 of the overall projects. Additional Federal permits will be required for future phases. This Condition is met for Phase 2.*

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

*FINDING: Plans approved with City Permit No. 20-113122-PC demonstrate all internal streets to be constructed with property line sidewalks and 4-foot landscape strips as required by this Condition. This Condition is met.*

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

*FINDING: The proposed Phase 2 Final Plat demonstrates access and utility easements. The City Surveyor and Public Works Engineering Division will review the easements with the Plat. This Condition will be met.*

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

*FINDING: The proposed Final Plat demonstrates a 10-foot public utility easement along all interior street frontages. This Condition is met.*

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

*FINDING: Public Construction plans approved with City Permit No. 20-113122-PC demonstrate City infrastructure to adjacent parcels as applicable. This Condition is met.*

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

*FINDING: Public Construction plans approved with City Permit No. 20-113122-PC demonstrate all lots within Phase 2 will be served with water, stormwater, and sewer services. This Condition is met.*

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

*FINDING: Public Construction plans approved with City Permit No. 20-113122-PC demonstrate stormwater facility accommodations for future impervious surfaces for all lots within Phase 2. This Condition is met.*

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

*FINDING: The Applicant shall obtain all necessary Street Tree Permits, as required by this Condition, as development occurs. This Condition will be met.*

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

*FINDING: This Condition was met with Phase 1.*

**PHASE 1:**

*FINDING: Conditions 19 through 28 were completed with the recording of the Phase 1 Final Plat.*

**PHASE 2:**

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

*FINDING: Public Construction plans issued with City Permit 20-113122-PC demonstrate the required 12-inch water main in Auburn Road NE. This Condition is met.*

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

*FINDING: The Applicant and Marion County have executed the appropriate Private Development Agreement. The approval of the Agreement is confirmed by Max Hepburn, PE, Marion County Land Development Engineering & Permit Supervisor. This Condition is met.*

**Condition 31 (MOD3): Construct an eastbound-to-southbound right-turn lane at the intersection of Auburn Road NE and Cordon Road NE as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.**

*FINDING: Public Construction plans issued with City Permit 20-113122-PC demonstrate an eastbound-to-southbound right-turn lane as required by this Condition. The Applicant has recorded a "Permanent Right-of-Way Easement" in Marion County, Oregon (Reel 4645, Page 495), for the purpose of constructing the right-turn lane at Auburn Road NE and Cordon Road NE. The Condition is met.*

**Condition 32: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 2A and Phase 2B frontages of Auburn Road NE.**

*FINDING: The Final Plat recorded with Phase 1 (Marion County Book of Town Plats H48, Page 91) dedicated 16 feet along the frontage of Phase 2A and 2B, for a total width of 36 feet from centerline of Auburn Road NE. This Condition is met.*

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

*FINDING: The Public Construction plans (City Permit No. 20-113122-PC) demonstrate the required three-quarter-street improvement along the entire Auburn Road NE frontage. This Condition is met.*

**Condition 34 (MOD3): Construct Greencrest Street NE to Collector B standards from Auburn Road NE to State Street. Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of Greencrest Street NE and State Street, as specified in the TIA.**

*FINDING: Public Construction plans issued with City Permit 20-113122-PC demonstrate the required Greencrest Street NE improvements from Auburn Road NE to approximately STA15+00. Plans issued with City Permit 20-118530-PC demonstrate the remaining Greencrest Street NE improvements from STA 15+00 to State Street. Plans for City Permit 20-118530-PC also demonstrate the required turning lane requirements in State Street. This Condition is met.*

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

*FINDING: The Public Construction plans issued with City Permit No. 20-113122-PC demonstrate the required turn lane improvements at the Greencrest Street NE and Auburn Road NE intersection. This Condition is met.*

Prepared By: Curt Pellatz, Senior Program Manager  
cc: File

## Aaron Panko

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**From:** John Rasmussen <JRasmussen@co.marion.or.us>  
**Sent:** Friday, January 21, 2022 10:47 AM  
**To:** Aaron Panko  
**Cc:** Brian Nicholas; Janelle Shanahan; Lani Radtke; Maxwell Hepburn  
**Subject:** City Land Use Case PUD22-01; Final Plan East Park Ests Phase 2

Aaron,

MCPW Engineering commentary for this case is as follows:

### PREFACE

- The number of Phase 2 lots under the prior-approved Tentative Plan as compared to the currently proposed Final Plan has not changed.

### BACKGROUND

- A 2010 Memorandum of Understanding (MOU) between prior Owner and Marion County pertaining to future development is recorded against the property.
- The MOU addresses needed off-site improvements outside city limits, including Cordon Road half-street frontage improvements and adjacent intersection signalization and turn-lane improvements at Auburn Road and State Street.
- City Notice of Decision for case #CPC-ZC-PUD-SUB-ADJ19-08MOD2 Condition #30 stipulates entering into a Development Agreement with Marion County at the time of Phase 2, interpreted by Marion County to mean prior to sale of the majority of Phase 2 lots that once occupied would trigger completion of the Cordon / Auburn intersection improvements.

### COMMENT

- Prior to the sale of Phase 2 lots, the Development Agreement with Marion County should be fully-executed.

### John Rasmussen, PE

Civil Engineer Associate  
Land Dev Eng & Permits  
Marion County Public Works  
503-588-5036



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

**REGARDING:** Planned Unit Development Final Plan Case No. PUD22-01

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

**AMANDA Application No.:** 21-122254-LD

**COMMENT PERIOD ENDS:** Monday, January 24, 2022 at 5:00 P.M.

**SUMMARY:** A Planned Unit Development Final Plan for Phase 2 of East Park Estates including 79 lots and an open space area. The Planning Commission previously approved Planned Unit Development Tentative Plan (CPC-ZC-PUD-SUB-ADJ19-08) for this proposal.

**REQUEST:** An application for a Planned Unit Development Final Plan for Phase 2 of East Park Estates which includes 79 units and an open space area, for property approximately 122 acres in size, zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential) and CR (Retail Commercial), and located at 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessors Map and Tax Lot numbers: 072W29B / 00200, 00201, 00300 and 00400 and 072W29C / 00100, 00101, 00199, 00200, 00300 and 00400).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

**Comments received by 5:00 p.m., MONDAY, JANUARY 24, 2022,** will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

**CASE MANAGER:** Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net).

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

**PLEASE CHECK THE FOLLOWING THAT APPLY:**

- ☐ 1. I have reviewed the proposal and have no objections to it.
- ☒ 2. I have reviewed the proposal and have the following comments: See attached

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Name/Agency: \_\_\_\_\_

Address: \_\_\_\_\_  
 Salem-Keizer Public Schools, Planning and Property Services  
 3630 State Street, Salem OR 97301

Phone: \_\_\_\_\_  
 David Fridenmaker, Manager  
 503-399-3335

Email: \_\_\_\_\_

Date: 1.25.22

**IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM**





DAVID FRIDENMAKER, Manager  
Facility Rental, Planning, Property Services  
3630 State Street, Bldg. C • Salem, Oregon 97301-5316  
503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

January 25, 2022

Aaron Panko, Planner  
Planning Division, City of Salem  
555 Liberty Street SE, Room 305  
Salem OR 97301

RE: Land Use Activity Case No. PUD22-01, 4700-4800 Block Auburn Rd NE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

#### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Auburn	Elementary	K thru 5
Houck	Middle	6 thru 8
North Salem	High	9 thru 12

Table 1

#### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Auburn	Elementary	531	678	78%
Houck	Middle	1,069	1,224	87%
North Salem	High	2,195	2,248	98%

Table 2

### POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	79	SF	0.168	13
Middle			0.098	8
High			0.144	11

Table 3

### POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Auburn	Elem.	531	17	13	30	678	83%
Houck	Mid.	1,069	35	8	43	1,224	91%
North Salem	High	2,195	14	11	25	2,248	99%

Table 4

### ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the



path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Auburn	Elementary	Eligible for School Transportation (Note 2)
Houck	Middle	Eligible for School Transportation (Note 2)
North Salem	High	Eligible for School Transportation (Note 2)

Table 5

### ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	13	\$64,220	\$834,860
Middle	8	\$76,882	\$615,056
High	11	\$89,544	\$984,984
TOTAL			\$2,434,900

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2021 Third Quarter.

Note 1. Salem-Keizer Public Schools buried fiber utility exists along Cordon Rd. and Auburn Rd NE.

Note 2. The location of this project will involve school boundaries for Auburn Elementary, Mary Eyre Elementary, and Houck Middle schools. School boundaries and no transport zones should be reviewed once streets are finalized.

Sincerely,



David Fridenmaker, Manager  
Planning and Property Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director – Custodial, Property and Auxiliary Services, T.J. Crockett, Director of Transportation