

## **Subdivision-Modification**

Revised-January 13, 2022

### **PROPOSAL:**

The applicant is proposing the modification of SUB-ADJ21-06 approval.

### **Original Approval:**

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 modify the phase lines and sequence.

Section A: 82 Lots

Section B: 24 Lots

Section C: 37 Lots

Section D: 34 Lots

### **Proposed Modification:**

**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 modify the phase lines and sequence.**

**Section C**

**Section A**

**Section B**

**Section D**

**The development is not subject to an HOA.**

### **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

### **MODIFICATION CRITERIA-UDC 205-070(D)**

***Criteria. An application for modification pursuant to this section shall be approved if all of the following criteria are met:***

- (1) The proposed modification is not substantially inconsistent with the conditions of the original approval; and***

Applicant Findings: The modification is in substantial conformance with the original conditions of approval. The modification will not revise or eliminate any of the Conditions of Approval for SUB-ADJ19-08 & UGA17-03MOD1 and SUB-ADJ21-06.

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 modify the phase lines and sequence.

Section C: 56 Lots  
Section A: 82 Lots  
Section B: 24 Lots  
Section D: 15 Lots

The applicant would like the potential for Section C to be built before Section A if needed.

Therefore, the modification is not and will not be inconsistent with conditions of original approval.

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

Applicant Findings: The proposed modification does not result in significant physical changes as shown on the site plan. The modification reduces the property size and reduces the number of lots involved. The number of Phases has also been reduced and the potential section sequence changed. The changes being made are a benefit to the site and surrounding properties by reducing density and potentially traffic.

The proposed modification is in compliance with all applicable Code and the original SUB-ADJ19-08 & UGA17-03MOD1 and SUB-ADJ21-06 Conditions of Approval. All Conditions of Approval will be met as specified in the, along with requirements of this proposed modified decision.

### ***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 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 modify the phase lines and sequence.

Section C: 56 Lots  
Section A: 82 Lots  
Section B: 24 Lots  
Section D: 15 Lots

The applicant would like the potential for Section C to be built before Section A if needed.

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 phasing will not have any effect on street connections of utilities within each phase.

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 modify the phase lines and sequence.

Section C: 56 Lots  
Section A: 82 Lots  
Section B: 24 Lots  
Section D: 15 Lots

The applicant would like the potential for Section C to be built before Section A if needed.

***(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.

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 —	7.099 Ac.
NUMBER OF UNITS —	56
DENSITY —	7.888 UNITS/Ac.
LARGEST LOT —	8,579 S.F.
SMALLEST LOT —	4,001 S.F.
AVERAGE —	5522 S.F.
SECTION D:	
DEVELOPABLE AREA —	1.843 Ac.
NUMBER OF UNITS —	15
DENSITY —	5.52 UNITS/Ac.
LARGEST LOT —	8,353 S.F.
SMALLEST LOT —	4,470 S.F.
AVERAGE —	5,480 S.F.

### **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 lots range in size from 5,500 square feet to 13,195 square feet in size, with an average lot size of 6,753 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 72 are zoned RM2 and will be developed with attached townhomes. The lots within the RM2 meet lot area. Adjustments for lots standards were approved with SUB-ADJ21-06.

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.

Adjustment to lot standards were approved with SUB-ADJ19-08 & UGAMOD1 and SUB-ADJ21-06.

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.

***(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 May 17, 2019, was approved as part of the original approval and 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.



All alternative street standards were approved with SUB-ADJ19-08 & UGA17-03MOD1 and SUB-ADJ21-06.

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 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. All requests for alternative street standards were approved with SUB-ADJ21-06.

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 118-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.

TCP19-14 was approved with the original approval and is still valid.

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. TCP19-14 was approved with the original approval and is still valid.

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 118-Oak 30"	Remove