

# **MWSH TITAN HILL PROPERTY LLC**

## **Salem, Oregon**

A Land Use Application for:  
Titan Hill Estates Subdivision

**Type II Process**  
**Subdivision Tentative Plan – SRC 205.010(d)**

Applicant:  
**MWSH Titan Hill Property LLC**

Resubmitted:  
**November 10, 2022**

Prepared by:  
**MWSH Titan Hill Property LLC**

**Applicant & Property Owner**

**MWSH Titan Hill Property LLC**

3425 Boone Road SE

Salem, OR 97317

Contact: Mark D. Lowen

503-480-3151 - o

503-586-4104 – c

[MLowen@liveBSL.com](mailto:MLowen@liveBSL.com)

**Civil Engineering**

**Multi/Tech Engineering Services, Inc.**

1155 SE 13<sup>th</sup> Street

Salem, Oregon 97302

Contact: Mark Grenz

503-363-9227

[mgrenz@mtengineering.net](mailto:mgrenz@mtengineering.net)

**Tax Lot Information:**

Tax Map: 073W17B00400

**Lot Area:**

36.72 acres

**Current Zoning District:**

MR-II (Multiple Family Residential)

**Current Comprehensive Plan  
Designation**

MFR (Multi Family Residential)

**Attachments :**

**50 - Land Use Application - Type II / Subdivision Tentative Plat – SRC 265.010(e)**

**51(a-b) - Ownership Verification:**

**Vesting Deed – MWSH Boone Road Property LLC**

**LLC Operating Agreement – MWSH Boone Road Property LLC**

**53 - Title Report**

**54 - Application Narrative**

**57 - Neighborhood Association Contact - WSNA**

**60a/b) Preliminary Subdivision Plat / Cover Sheet**

**61 - Existing Conditions Plan**

**62(a-b) - Utilities / Stormwater Plans**

**63 – Street Improvement Plan**

**64- Lot Dimensions and Sidewalk Plan**

**65- Preliminary Grading Plan**

**67 – Stormwater Report**

**69(a-d) - Tree Preservation Plans - Pending**

**71 TIA – Pending**

**74 - Geotechnical Report**

**75(a-b) - Wetlands Report / Concurrence**

**76 - Subdivision Name Request – Pending**

PROPOSAL:

The applicant is proposing a subdivision tentative plan in order to subdivide 36.72 acres creating 6 individual lots, ranging from .39 acres to 9.32 acres in size.

SITE VICINITY and CHARACTERISTICS:

The subject property 36.72 acres identified as Polk County Tax Parcel 073W17B-00400, The proposed subdivision will access Doaks Ferry Road NW, (minor arterial) on the east boundary and Landaggard Drive NW (currently a collector street) along the northwest boundary of the proposed subdivision. Additionally, the primary access will be via "A" / Colorado street (collector street) will be developed from Doaks Ferry Road traversing the site to the NE edge of the site, with connection to Landaggard. Landaggard will also be extended to the northern edge of this site. Topographically, the site is characterized as gently to moderately sloping terrain (10 to 25 percent) descending downward towards the east/northeast with overall topographic relief estimated at about one hundred and forty (140) feet and ranges from a low about Elevation 272 feet near the easterly portion of the subject site to a high of about Elevation 412 near the northwesterly portion of the site.

The site is bordered on south by Orchard Height Road NW, and by Landaggard Drive NW along a portion of the west side of the parcel.

The subject property is located within the Salem City limits and the Urban Growth Boundary.

The surrounding properties are zoned and used as follows:

North: Outside the city limits Polk County Zoning Suburban Residential Zone

East: RA (Residential Agriculture) and PA (Public Amusement)

South: RA (Residential Agriculture) and PE (Public Private Education).

West: RA (Residential Agriculture)

Proposed Development

Street and utility infrastructure for the five lots that make up the multiple family residential development for the site. 427 +/- Multiple Family residential apartment units and townhomes.

The sixth lot a MU II parcel will be held for future development.

**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). 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:**

Findings:

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 are met per Sec. 514.010 Table 514-2 and 534.015 Table 534-2 of the Salem Revised Development Code.**

Findings:

Minimum Lot Area and Dimensions:

The subject property is about 36.72 acres in size and zoned RM-II (Multiple Family Residential) and MU II (Mixed Use) The applicant is proposing to divide the 36.72-acre subject property into 6 lots.

Lots sizes vary in size from – 0.39 Acres / 16,862 sq. ft. to 9.32 acres / 405,818 sq. ft.

As shown on the site plan, all 6 lots meet the lot size and dimension requirements within the RM-II and MU-II zones and lot dimension standards with all proposed lots exceeding the minimum frontage of 20 feet as required under Chapter 514.010 and

534.015 of the UDC. The proposed lots range in size from 0.39 Acres / 16,862 sq. ft. to 9.32 acres / 405,818 sq. ft. in size.

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. The proposed subdivision is in compliance with lot standard requirements and required access.

Therefore, this criteria has been met.

**(B) City infrastructure standards.**

Findings:

This submission includes preliminary designs for water, sewer, storm drainage. Public Works Department will review infrastructure for conformance during the construction plan approval and permitting. 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.**

Findings:

Wetlands, Waterways and Floodplains are located on the subject property: The Wetlands Determination and Oregon Department of State Lands concurrence - WD 2020-0648 (April 23, 2020) were considered with the design of the proposed subdivision.

(See exhibit 75a – Wetlands Determination Report and exhibit 75b Wetlands Concurrence)

The applicant has provided an updated geological assessment completed by Redmond Geotechnical Services as part of this application. The assessment outlines the nature, distribution of underlying geology, and the physical and chemical properties of existing soils. The opinion of the report confirms the existence of no geologic or landslide hazards on the site. (See exhibit 74 – Geotechnical Investigation Report)

This criteria has been met.

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

Findings:

The proposed tentative subdivision is for the entire subject property and will be developed into 5 Multiple Family Residential lots and a single lot zoned MU II for future development, along with the necessary infrastructure. All proposed lots have vehicle and pedestrian access via the proposed roadway network.

Pedestrian walkways connecting the site to surrounding properties and future development are include in the site design. All surrounding properties have direct access onto the existing street system. Pedestrian connectivity to the undeveloped parcels abutting the west and north of the proposed subdivision will be accommodated from “A” (Colorado) Street NW.

This proposed subdivision does not impede the future use of the property or adjacent land.

Therefore, this criteria has been met.

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

Findings:

The preliminary utilities and storm water 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 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.

(See exhibit 62)

In conclusion, the location and design of the proposed subdivision allows for public sanitary sewer, water service, and storm drainage to be conveniently provided to serve all proposed lots adequately.

Therefore, this criterion has been satisfied.

#### **Proposed Stormwater Management System:**

##### **Findings:**

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. A tract location for storm water quality is included in the tentative site plan. The exact system will be determined at the time of design for each parcel. Any proposed technique will meet City of Salem Stormwater Management standards in means and methods to provide all aspects of Stormwater management.

(See exhibit 67 Stormwater Report)

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

##### **Findings:**

The major street system is in place due to prior development. Doaks Ferry Road NW is located on the easterly boundary of the proposed subdivision and Orchard Heights Road NW is located on its southerly boundary, additionally Landaggard Drive NW abuts a portion of the westerly boundary. Doaks Ferry Road NW will provide primary access into the development. Doaks Ferry Road NW is designated as a 'minor arterial street' and Landaggard Dr NW is currently designated as a collector street on the Salem Transportation System Plan. The applicant has agreed with city staff to request to reclassify Landaggard Dr NW to a local street and classify the new "A" St (Colorado) as the collector street for this development.



#### Transportation System Plan.

The proposed subdivision will access Doaks Ferry Road NW, (major arterial) on the east boundary. And Landaggard Drive NW (currently a collector street) along the westerly boundary of the proposed subdivision. Additionally, "A" (Colorado) Street will be constructed from the west boundary of Doaks Ferry Road to the northwest boundary of this site.

The existing and proposed street systems conform to the City's Transportation Plan which indicates no additional streets running through the subject property. Additional improvements to Doaks Ferry Road NW will be required. 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 city street standards. Therefore, meeting the requirements of a subdivision.

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 may be required because of this subdivision.

A reclassification of Landaggard Drive NW in the TSP from a collector to a local street will be considered as a part of the application.

All lots will have direct access onto the proposed street system.

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

#### 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.

Each lot in the proposed development will provide bicycle and pedestrian facilities on-site as per the standards for each site's use, to encourage people to walk and ride to reduce vehicle trips. The development on the property will encourage reduced vehicle usage, by the convenience of bicycle and pedestrian paths to and from the surrounding uses and existing roadway and sidewalk system. Due to the RM-II and MU – II zoning designations, additional care and consideration must be applied to provide for the protection of pedestrian and bicycle uses. Therefore, bicycle and pedestrian

connectivity is concentrated along the public sidewalks and roadways. Providing safe and convenient access and connectivity.

Therefore, the proposed subdivision will be 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 to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**

**Findings:**

The subject property is located in a developed and developing area where improved streets and sidewalks exist and continue with new development. The proposed local street system serving the development provides the necessary connections and access to the existing street network.

The proposed subdivision will access Doaks Ferry Road NW on the easterly boundary, Orchard Heights Road NW will border its southerly boundary, secondary access is from Landaggard Drive NW which abuts a portion of the westerly boundary of the proposed subdivision. Doaks Ferry Road NW will provide primary access into the development. Per the Salem Transportation System Plan, Doaks Ferry Road NW is designated as a 'minor arterial street', Orchard Heights Road NW is a "minor arterial street" and Landaggard is designated as a collector street but may be reclassification as a local street as a part of this development approval process.

"A" (Colorado) Street, classified as a collector street, will be constructed for access to from Doaks Ferry Road NW and through the site with future connection to the northwest. Additionally, this street will also provide connectivity to north end of Landaggard Dr NW and its extension to the north.

Vehicle, pedestrian, and bicycle connectivity will be accommodated on each lot via private drives, sidewalks, and bike pathways. Allowing for multi-modal connectivity between each site and the surrounding development. Bicycle and pedestrian connectivity is concentrated along the public sidewalks and roadways. Providing safe and convenient access and connectivity throughout site.

Please see the criteria for the alternative street standards to accommodate this street design below:

## **Site Design / Traffic Connectivity**

### **Sec. 803.030. Street spacing.**

(a)

Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of way line along one axis, and not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.

#### **Findings:**

At the request of the City of Salem, the applicant has agreed to utilize the subdivision platting process for this multiple family residential development. However, due to significant topography, and the area requirements for multiple family development, allowing for lots large enough to accommodate six to fourteen multiple family residential buildings on some development lots. The new roadways and extension of the existing roadways will require some lot and or block lengths to be more than the proposed 600' block length standard. Therefore, an adjustment to the 600' block standard is being requested per SRC Sec. 803.030.b.1 and Sec. 803.030.b.4.

**(6) The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.**

#### **Findings:**

The proposed 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 to the public street system.

All lots will have direct access onto the proposed and existing surrounding street system.

Street connections have been provided to adjacent properties as well as provide efficient circulation within the subdivision and to adjacent roadways.

Street Connections:

East:	Doaks Ferry Road NW
North:	Future connection (“A” Street / Colorado)
West:	Landaggard Ave NW
South:	Orchard Heights Road NW (Abutting)

Pedestrian sidewalks along all public roads, additional drive and pedestrian access and connections will be provided internally within individual development sites. Additional connectivity is provided within the individual lots and the drive, parking and pedestrian walkways accessing and servicing the individual multiple family residential buildings and the amenities for this development. Providing safe and convenient access and connectivity throughout the multiple family development.

The local streets and sidewalks combined with the private drives, parking and pedestrian walkways provide safe and convenient bicycle and pedestrian / multi-modal access throughout the site and adjacent areas.

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.**

Findings:

The applicant has provided a TIA as a part of this submission package. The intent of the applicant is to mitigate impacts by providing adequate circulation for vehicle, multi-modal / pedestrian impacts to the transportation system as identified in the TIA and as prescribed in the conditions of approval. (Exhibit 71 TIA Report)

Therefore, this criterion will be 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.**

Findings:

All lots are in compliance with the UDC/SRC, Due to the dimensional and topographic constraints:

**(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 this subdivision.**

Findings:

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 514 and 534. 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.

A majority of the trees within this proposed subdivision are located in the easterly and central region of the site, a tree conservation and removal permits will be provided with development of the subdivision. The layout of the lots takes into consideration the topography and vegetation of the site. Due to topography, tree location and the multiple family residential design standards the applicant will be submitting a tree variance to address the number significant trees needed to be removed to successfully develop this multiple family residential site.

(See exhibit 69 Tree Preservation Plan)

Therefore, this criteria will be 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.**

Findings:

The property and development are located inside the Urban Service Area (USA). As a part of this development application package the applicant is submitting for a UGA declaration.

Therefore, this criteria will be met.

### **(11) TREE CONSERVATION/REMOVAL PLAN**

#### **Findings:**

A majority of the tree within this proposed subdivision are located in the westerly and central region of the site. A tree conservation and removal plan will be provided with development for each lot.

As a part of this development, it has been determined that a variance allowing to remove trees is needed to complete the land use approval process.

The applicant is requesting a Tree variance under Sec. 808.045.as a part of this land use process.

### **(12) Connectivity for streets and City utilities ensures the orderly and efficient construction of required public improvements among all phases.**

#### **Findings:**

The subject property is located within a 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.

#### **Block Length:**

As shown on the preliminary subdivision plat, the proposed subdivision provides a safe and efficient circulation pattern for vehicles and pedestrians. 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 where local and arterial streets and mass transit facilities exist. These facilities connect the transportation system to the surrounding area

#### **Block Length Adjustments**

The applicant requests an adjustment for block length at two locations on the site.

“A” Street: 1003.01 Ft from Landagaard to Doaks Ferry

Landagaard: 605.47 Ft from Street B to Street A

These two streets exceed the block length standard of 600 feet, the applicant requests an adjustment

This proposed subdivision site is has concurrently applied for design review and site review. (Each of these processes will proceed independently of this application, approvals and completion of this proposed subdivision).

Conclusion:

The applicant requests approval of a Subdivision Tentative Plan (SRC 205.010)) Type II Review. Providing justification in the form of plans, detailed reports, supporting documents and findings in support of the proposed application. As addressed in this narrative and the supporting plans and documents, this proposal does meet all applicable code provisions. As such, the applicant respectfully requests that the Type II review for Subdivision Tentative plan and be approved as submitted.