

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.: PUD23-01

APPLICATION NO.: 23-102046-PLN

NOTICE OF DECISION DATE: May 2, 2023

SUMMARY: Planned Unit Development Final Plan for Phase 3 of East Park Estates including 104 lots and common open space areas. 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 3 of East Park Estates which includes 104 lots and common open space areas, 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: 072W29BC / 14000 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 May 2, 2023.

DECISION: The **Planning Administrator APPROVED** Planned Unit Development Final Plan Case No. PUD23-01 subject to the applicable standards of the Salem Revised Code, the findings contained herein.

The rights granted by the attached decision must be exercised, or an extension granted, by May 2, 2025, or this approval shall be null and void.

Application Deemed Complete:	<u>February 14, 2023</u>
Notice of Decision Mailing Date:	<u>May 2, 2023</u>
Decision Effective Date:	<u>May 2, 2023</u>
State Mandate Date:	<u>June 14, 2023</u>

Case Manager: Aaron Panko, Planner III, 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. PUD23-01)	
255 CORDON ROAD NE,)	
4800-4900 BLOCK OF STATE STREET,)	
AND 4700-4800 BLOCK OF AUBURN)	
ROAD NE - 97301)	MAY 2, 2023

REQUEST

Summary: A Planned Unit Development Final Plan for Phase 3 of East Park Estates including 104 lots and common open space areas. 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 3 of East Park Estates which includes 104 lots and common open space areas, 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: 072W29BC / 14000 and 072W29C / 00100, 00101, 00199, 00200, 00300 and 00400).

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 August 31, 2022, the Planning Administrator issued a final decision approving the Final PUD for Phase 2 of the East Park Estates PUD (PUD22-01).

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 January 16, 2023, an application for PUD Final Plan approval for Phase 3 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 February 14, 2023. 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 is June 14, 2023.

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: 23 102046.

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" and "Multiple 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 3 includes a total of 106 lots for development of single-family dwellings and common open space areas. Phase 3 of the PUD is located within the RS, RM-I and RM-II zones.

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 3 of the PUD, containing approximately 13.5 acres and consisting of 104 individual lots and two open space areas, one located at the north end of Phase 3 accessed by Lost Lake Street NE that is approximately 31,877 square feet in size, and one at the corner of Lost Lake Street NE and State Street that is approximately 11,480 square feet in size (**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. Four public comments were received, one indicating no objections and the others indicating concerns or objections to the proposed development including loss of green space, impacts to wildlife, traffic concerns on State Street.

Staff Response: The subject property has previously received tentative approval for development of the East Park Planned Unit Development by the Salem Planning Commission. The requested PUD Final Plan application process helps ensure that the Planned Unit Development is ultimately developed in a manner consistent with the tentative approval. Include in the findings of this decision is an analysis of how the proposed PUD Final Plan is in substantial conformance with the tentative approval.

5. City Department and Public Agency Comments

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

Fire Department - Reviewed the proposal and indicated no objections.

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

Cherriots – Reviewed the proposal and provided comments included as **Attachment E** in summary requesting that the developer contact Cherriots to determine locations and specifications of required transit stops for the Planned Unit Development.

DECISION CRITERIA FINDINGS

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 3 for the PUD tentative plan calls for development of 106- single family residential lots and two open space areas. The proposed PUD final plan indicates that 104 single family residential lots and two open space areas are proposed. The number of dwelling units proposed on the PUD final plan is within 10 percent (1.8 percent) of dwelling units approved by 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 3, only single family dwellings are proposed within this phase. 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 3. 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 3 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 final PUD plan is in substantial conformance with the PUD tentative plan and is in compliance with this approval criterion. The two dwelling unit difference between the PUD tentative plan and PUD final plan will not be used to increase the number of dwelling units in any subsequent phase.

- (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 five conditions of approval that apply specifically to Phase 3 (Conditions 41-45). The conditions of approval applicable to Phase 3 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. Phase 3 will create 104 new residential lots, resulting in 981 average daily trips. The total ADT of the three phases after full buildout will be 3,115 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. Oregon Department of State Lands Permit No. 63399-RF for Phases 3-6 was issued on September 27, 2021. Additional Federal permits will be required for future phases. This Condition is met for Phase 3.

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. 20-118530-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 3 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. 20-118530-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. 20-118530-PC demonstrate all lots within Phase 3 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. 20-118530-PC demonstrate stormwater facility accommodations for future impervious surfaces for all lots within Phase 3. 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:

FINDING: Conditions 29 through 35 were complete with the recording of the Phase 2 Final Plat.

CONDITIONS APPLICABLE TO PHASE 2A:

FINDING: Conditions 36 through 40 will be completed with recording of future phase of development.

CONDITIONS APPLICABLE TO PHASE 3:

Condition 41: Construct a 12-inch water main in (future) Greencrest Street NE to State Street.

FINDING: Public Construction plans issued with City Permit No. 20-118530-PC demonstrate the required 12-inch water main in Greencrest Street NE in compliance with this Condition. This Condition is met.

Condition 42: Construct Greencrest Street NE to State Street to Collector B standards.

FINDING: Public Construction plans issued with City Permit No. 20-118530-PC demonstrate the construction of Greencrest Street to State Street in compliance with this Condition. This Condition is met.

Condition 43: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.

FINDING: Public Construction plans issued with City Permit No. 20-118530-PC demonstrate the required turning lanes at the Greencrest Street NE and State Street intersection in compliance with this Condition. This Condition is met.

Condition 44: Construct a 12-inch water main in State Street from the west line of Phase 3 to Cordon Road NE.

FINDING: After additional analysis by Keith Garlinghouse, PE, Utilities Engineer, Strategic Planning Section, it was determined that installing the 12-inch water main in State Street from Cordon Road NE to Greencrest Street NE is adequate to serve the development and the surrounding area. Public Construction plans issued with City Permit No. 20-118530-PC demonstrate the water main installation in State Street as directed by the Strategic Planning Section. This Condition is met.

Condition 45: Convey land for dedication of right-of-way to equal 48 feet from centerline along the Phase 3 and Phase 4 frontages of State Street.

FINDING: The Applicant's proposed Final Plat demonstrates an 18-foot dedication along the Phase 3 and Phase 4 State Street frontage. This dedication, along with the existing 30-foot State Street half-width right-of-way creates the 48-foot right-of-way width as required by this Condition. This Condition is met.

CONDITIONS APPLICABLE TO PHASES 4-6:

FINDING: Conditions 46 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 for this 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.

7. 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 3 of East Park Estates which includes 106 lots and common open space areas, 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 / 014000 and 072W29C / 00100, 00101, 00199, 00200, 00300 and 00400) is hereby **APPROVED** subject to SRC Chapter 210.

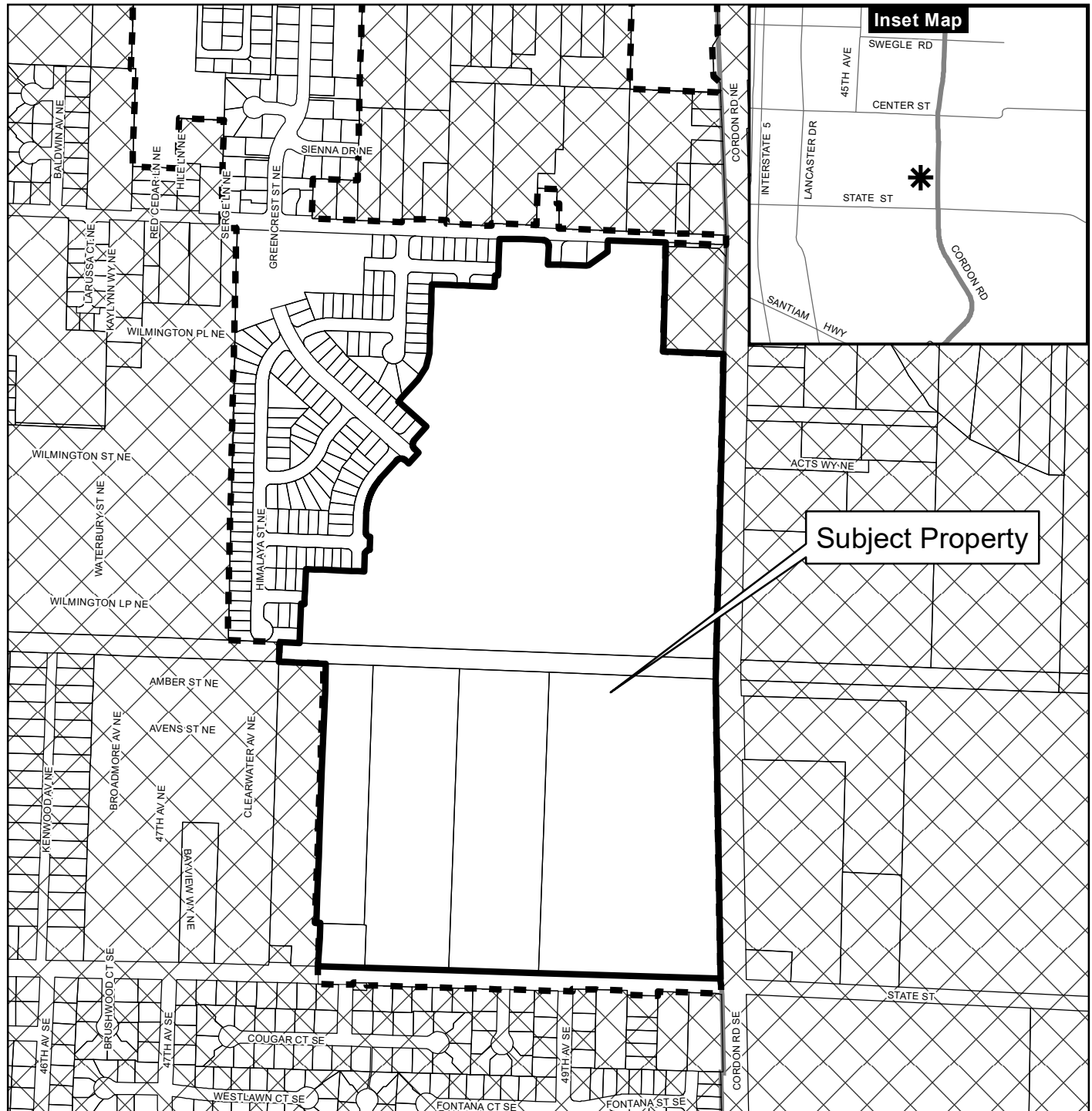


Aaron Panko, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP,
Planning Administrator

Attachments: A. Vicinity Map
B. PUD-Subdivision Final Plan
C. Applicant's Written Statement
D. Public Works Department Memo
E. Cherriots Comments

Vicinity Map

255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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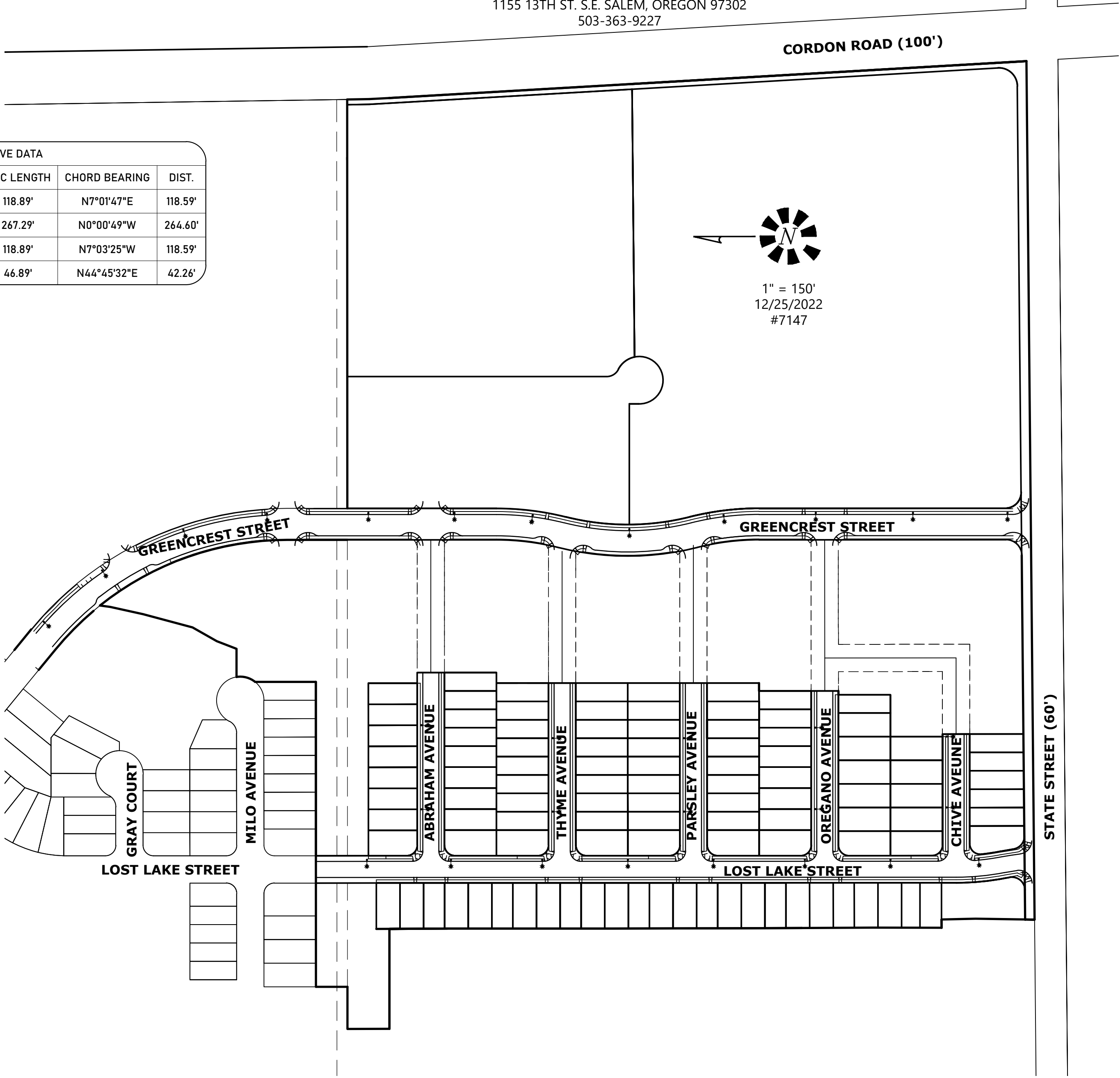
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EAST PARK ESTATES P.U.D. No. 3
IN THE SW 1/4 & NW 1/4 OF SEC. 29, T. 7 S., R. 2 W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

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	483.58'	14°05'12"	118.89'	N7°01'47"E	118.59'
C2	543.58'	28°10'23"	267.29'	N0°00'49"W	264.60'
C3	483.58'	14°05'12"	118.89'	N7°03'25"W	118.59'
C4	30.00'	89°32'43"	46.89'	N44°45'32"E	42.26'



EAST PARK ESTATES P.U.D. No. 3

IN THE SW 1/4 & NW 1/4 OF SEC. 29, T. 7 S., R. 2 W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

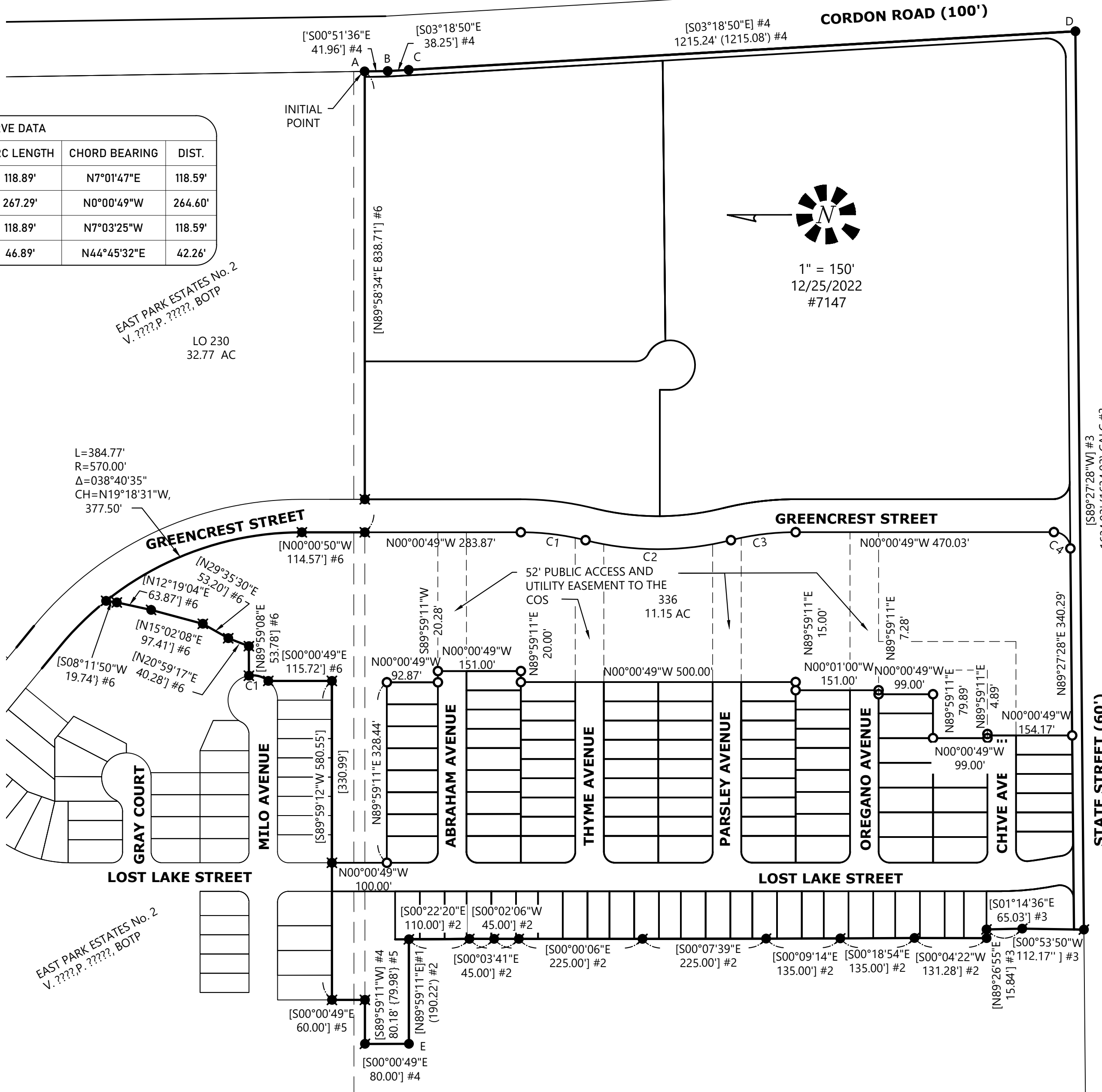
BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227

CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C1	483.58'	14°05'12"	118.89'	N7°01'47"E	118.59'
C2	543.58'	28°10'23"	267.29'	N0°00'49"W	264.60'
C3	483.58'	14°05'12"	118.89'	N7°03'25"W	118.59'
C4	30.00'	89°32'43"	46.89'	N44°45'32"E	42.26'

EAST PARK ESTATES No. 2
V. ????, P. ????, BOTP

LO 230
32.77 AC

L=384.77'
R=570.00'
Δ=038°40'35"
CH=N19°18'31"W,
377.50'



NOTES:

1. ALL MONUMENTS FOUND IN GOOD CONDITION AND WITHIN 0.2' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.

2. ALL MONUMENTS SET FLUSH WITH GROUND UNLESS OTHERWISE NOTED.

LEGEND:

MCSR = MARION COUNTY SURVEY RECORD

BOTP = BOOK OF TOWN PLATS

W/YPC = WITH YELLOW PLASTIC CAP

IP = IRON PIPE

IR = IRON ROD

P. = PAGE

V. = VOLUME

R. = REEL

COS = CITY OF SALEM

() = RECORD DATA PER SURVEY NOTED

[] = RECORD AND MEASURED DATA PER SURVEY NOTED

{ } = CALCULATED DATA PER SURVEY NOTED

● = FOUND MONUMENT PER

● = FOUND MONUMENT PER

○ = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."

□ = SET 5/8" X 30" IRON ROD WITH ALUMINUM CAP SCRIBED "MULTI/TECH ENG."

REFERENCE SURVEYS :

- 36837
- 39457
- 39510
- P.P. 2020-61
- EAST PARK P.U.D. B. H48, P. 91
- EAST PARK P.U.D. NO. 2, B. H48, P. ??

REGISTERED
PROFESSIONAL
LAND SURVEYOR

ROBERT D. HAMMAN
JULY 13, 2004
64202LS

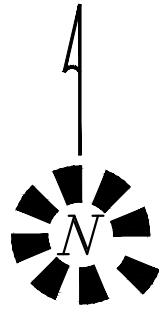
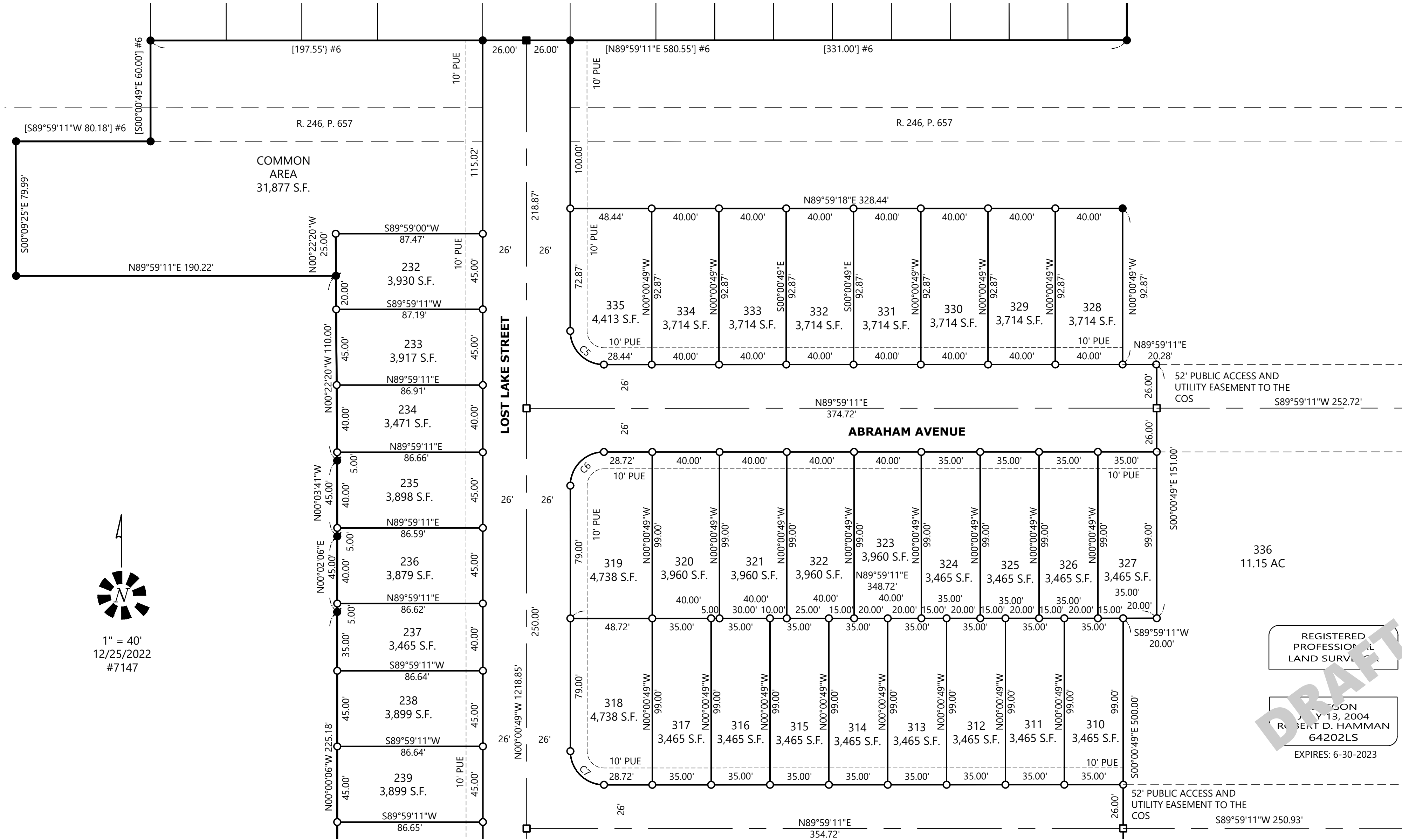
EXPIRES: 6-30-2023

SHEET INDEX

SHEET 1 - OVERALL BOUNDARY, MONUMENT TABLE,
LOTS 232-342, CURVE TABLE, LEGEND,
REFERENCE SURVEYS,
SHEET 2 - NORTH LOT DETAIL
SHEET 3 - CENTRAL LOT DETAIL, CURVE TABLE
SHEET 4 - SOUTH LOT DETAIL
SHEET 5 - LOTS 340 - 342, GREENCREST STREET
SHEET 6 - NARRATIVE, CERTIFICATE, PLAT NOTES,
SHEET 7 - SIGNATURE PAGE

EAST PARK ESTATES P.U.D. No. 3
IN THE SW 1/4 & NW 1/4 OF 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

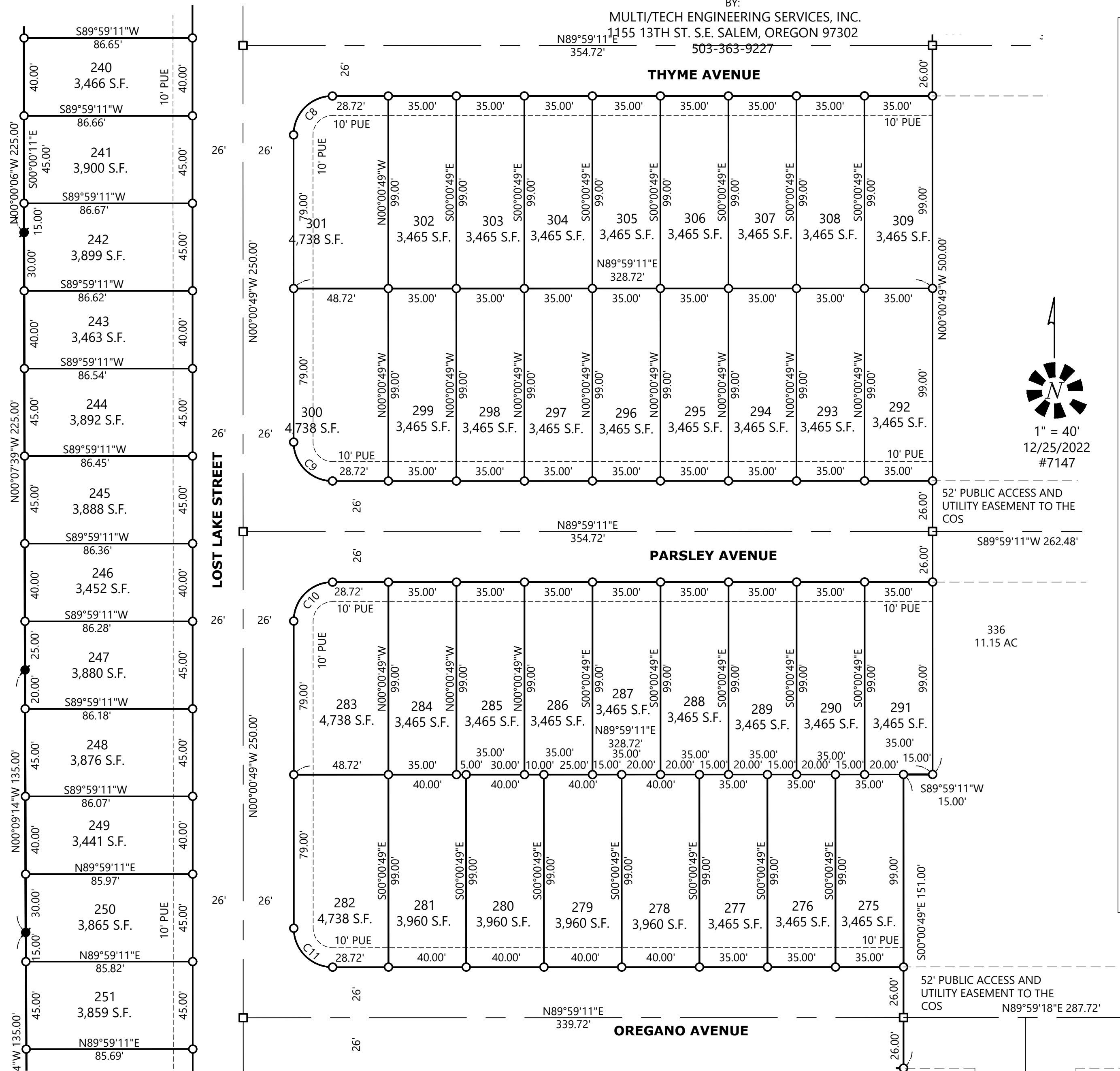


1" = 40'
12/25/2022
#7147

REGISTERED
PROFESSIONAL
LAND SURVEYOR
JULY 13, 2004
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EXPIRES: 6-30-2023

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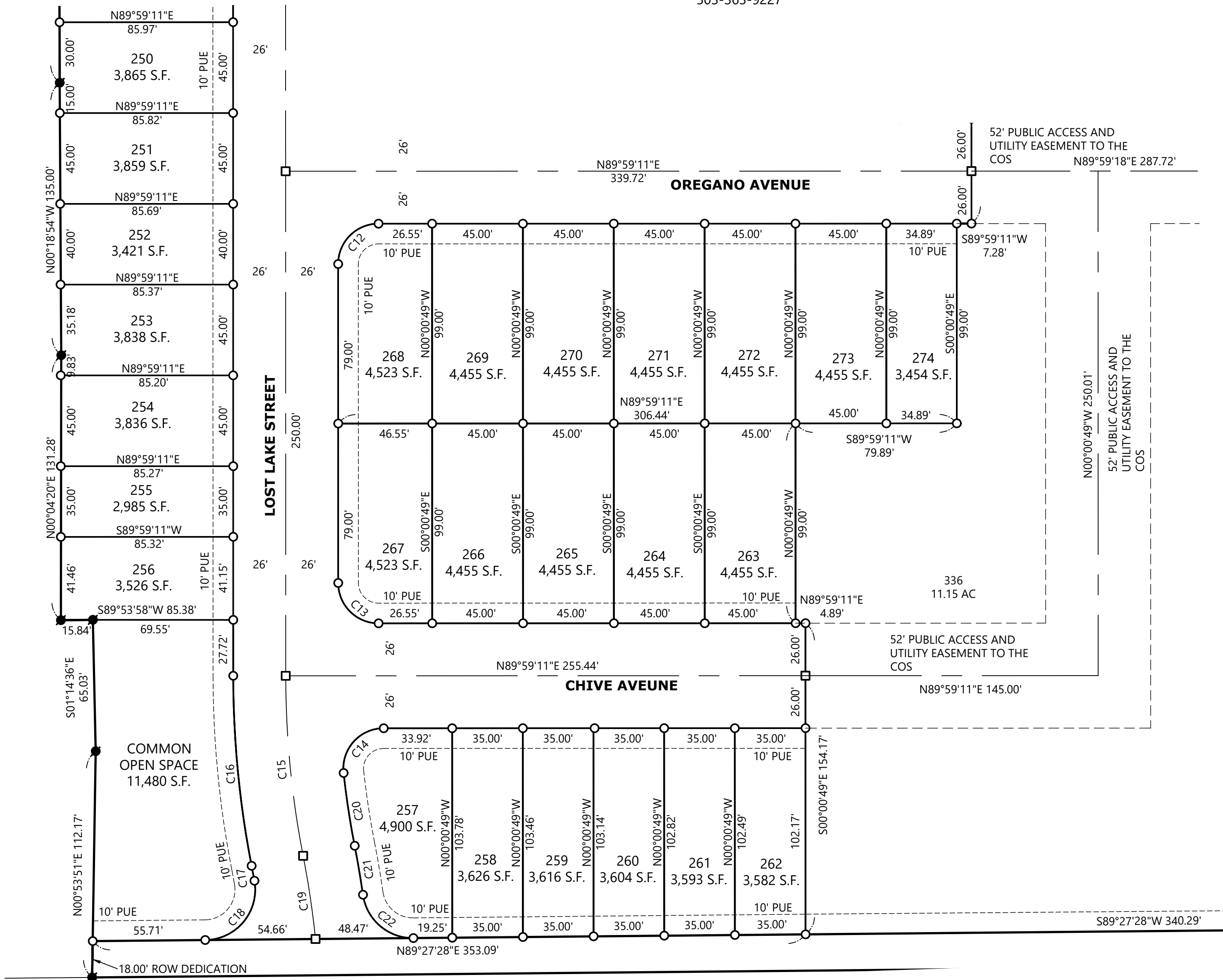
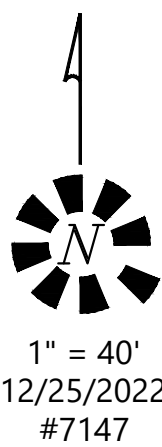


CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C5	20.00'	90°00'00"	31.42'	S45°00'49"E	28.28'
C6	20.00'	90°00'00"	31.42'	S44°59'11"W	28.28'
C7	20.00'	90°00'00"	31.42'	S45°00'49"E	28.28'
C8	20.00'	90°00'00"	31.42'	S44°59'11"W	28.28'
C9	20.00'	90°00'00"	31.42'	S45°00'49"E	28.28'
C10	20.00'	90°00'00"	31.42'	S44°59'11"W	28.28'
C11	20.00'	90°00'00"	31.42'	S45°00'49"E	28.28'
C12	20.00'	90°00'00"	31.42'	N44°59'11"E	28.28'
C13	20.00'	90°00'00"	31.42'	S45°00'49"E	28.28'
C14	20.00'	96°16'23"	33.61'	S41°51'00"W	29.79'
C15	466.99'	11°00'40"	89.75'	S5°31'09"E	89.61'
C16	492.99'	11°00'40"	94.74'	S5°31'09"E	94.60'
C17	440.99'	0°58'40"	7.53'	N10°32'09"W	7.53'
C18	25.00'	99°30'17"	43.42'	N39°42'20"E	38.16'
C19	466.99'	5°06'54"	41.69'	N8°28'02"W	41.68'
C20	440.99'	4°44'17"	36.47'	S8°39'20"E	36.46'
C21	492.99'	2°51'43"	24.62'	S9°35'37"E	24.62'
C22	25.00'	82°22'46"	35.94'	S49°21'09"E	32.93'
C23	30.00'	89°32'43"	46.89'	N44°45'32"E	42.26'
C24	30.00'	90°31'43"	47.40'	S45°16'41"E	42.62'
C25	543.58'	14°05'12"	133.64'	N7°03'25"W	133.31'
C26	513.58'	14°05'12"	126.27'	N7°03'25"W	125.95'
C27	483.58'	14°05'12"	118.89'	N7°03'25"W	118.59'
C28	543.58'	28°10'23"	267.29'	S0°00'49"E	264.60'
C29	513.58'	28°10'23"	252.54'	S0°00'49"E	250.00'
C30	483.58'	13°43'48"	115.88'	S7°14'07"E	115.61'
C31	483.58'	14°26'36"	121.90'	S6°51'05"W	121.58'
C32	543.58'	14°05'12"	133.64'	N7°01'47"E	133.31'
C33	513.58'	14°05'12"	126.27'	N7°01'47"E	125.95'
C34	483.58'	14°05'12"	118.89'	N7°01'47"E	118.59'
C35	45.00'	191°57'17"	150.76'	N84°40'50"E	89.51'
C36	45.00'	51°30'34"	40.46'	N37°03'06"W	39.11'
C37	25.00'	62°47'50"	27.40'	S31°24'44"E	26.05'
C38	35.00'	92°46'18"	56.67'	N43°04'19"E	50.68'

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

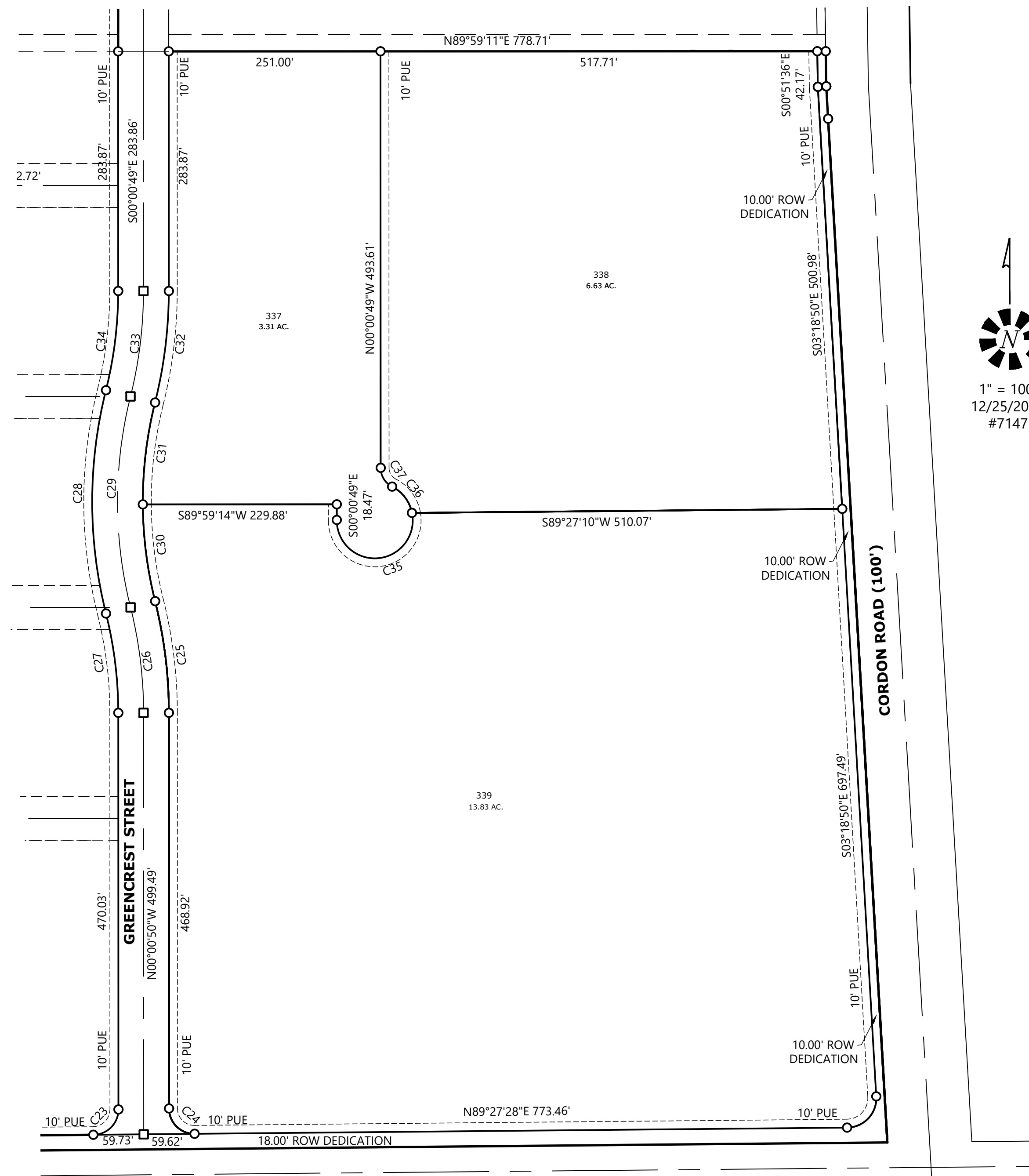
EAST PARK ESTATES P.U.D. No. 3
IN THE SW 1/4 & NW 1/4 OF SEC. 29, T. 7 S., R. 2 W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

BY:
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EAST PARK ESTATES P.U.D. No. 3
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IN THE SW 1/4 & NW 1/4 OF SEC. 29, T. 7 S., R. 2 W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

BY:
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503-363-9227

SURVEYOR'S CERTIFICATE

I, ROBERT D. HAMMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND SHOWN HEREON AS EAST PARK ESTATES P.U.D. No. 3, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD BEING THE INITIAL POINT AT THE SOUTHEASTERLY CORNER OF LOT 231, EAST PARK ESTATES P.U.D. NO. 2 AS RECORDED IN BOOK H49, PAGE ???, MARION COUNTY BOOK OF TOWN PLATS, LOCATED IN THE SOUTHWEST AND NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 7 SOUTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON, THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CORDON ROAD THE FOLLOWING THREE CALLS, SOUTH 00°51'36" EAST 41.96 FEET TO A 5/8" IRON ROD; SOUTH 03°18'50" EAST 38.25 FEET TO A 5/8" IRON ROD; SOUTH 03°18'50" EAST 1215.24 FEET TO A PK ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE STREET; THENCE SOUTH 89°27'28" WEST 1634.93 FEET TO A 5/8" IRON ROD; THENCE ALONG THE EASTERLY LINE OF REEL 4513, 308, EXHIBIT D, MARION COUNTY RECORDS THE FOLLOWING 11 CALLS, NORTH 00°53'50" EAST 112.17 FEET TO A 5/8" IRON ROD; NORTH 01°14'36" EAST 65.03 FEET TO A 5/8" IRON ROD; SOUTH 89°26'55" WEST 15.84 FEET TO A 5/8" IRON ROD; NORTH 00°04'22" EAST 131.28 FEET TO A 5/8" IRON ROD; NORTH 00°18'54" WEST 135.00 FEET TO A 5/8" IRON ROD; NORTH 00°09'14" WEST 135.00 FEET TO A 5/8" IRON ROD; NORTH 00°07'39" WEST 225.00 FEET TO A 5/8" IRON ROD; NORTH 00°00'06" WEST 225.00 FEET TO A 5/8" IRON ROD; NORTH 00°02'06" EAST 45.00 FEET TO A 5/8" IRON ROD; NORTH 00°03'41" WEST 45.00 FEET TO A 5/8" IRON ROD; NORTH 00°22'20" WEST 110.00 FEET TO A 5/8" IRON ROD; THENCE ALONG THE NORTH LINE OF SAID DEED, SOUTH 89°59'11" WEST 190.22 FEET TO A 5/8" IRON ROD; THENCE ALONG THE WEST LINE OF PARCEL 1, PARTITION PLAT 2020-61 NORTH 00°00'49" WEST 80.00 FEET TO A 5/8" IRON ROD, THENCE ALONG THE NORTH LINE OF SAID PARTITION PLAT NORTH 89°59'11" EAST 80.18 FEET TO A 5/8" IRON ROD; THENCE ALONG THE WESTERLY LINE OF LOT 231, EAST PARK ESTATES P.U.D. NO. 2, VOLUME H49, PAGE ???, MARION COUNTY BOOK OF TOWN PLATS, NORTH 00°00'49" WEST 60.00 FEET TO A 5/8" IRON ROD; THENCE ALONG THE NORTH LINE OF SAID LOT, NORTH 89°59'12" EAST 580.55 FEET TO A 5/8" IRON ROD; THENCE ALONG THE WESTERLY LINE THE FOLLOWING EIGHT CALLS, NORTH 00°00'49" WEST 115.72 FEET TO A 5/8" IRON ROD; 37.61 FEET ALONG A 45.00 FOOT RADIUS CURVE TO THE LEFT (THE CORD OF WHICH BEARS NORTH 14°58'53" EAST 36.53 FEET) TO A 5/8" IRON ROD; NORTH 89°59'08" EAST 53.78 FEET TO A 5/8" IRON ROD; NORTH 20°59'17" EAST 40.28 FEET TO A 5/8" IRON ROD; NORTH 29°35'30" EAST 53.20 FEET TO A 5/8" IRON ROD; NORTH 15°02'08" EAST 97.41 FEET TO A 5/8" IRON ROD; NORTH 12°19'04" EAST 63.87 FEET TO A 5/8" IRON ROD; NORTH 08°11'50" EAST 19.74 FEET TO A 5/8" IRON ROD ON THE WESTERLY RIGHT-OF-WAY LINE OF GREENCREST STREET; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FIVE CALLS, 330.92 FEET ALONG A 570.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS SOUTH 22°00'54" WEST 326.29 FEET TO A 5/8" IRON ROD; 41.61 FEET ALONG A 25.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS SOUTH 42°18'06" WEST 36.97 FEET) TO A 5/8" IRON ROD; SOUTH 02°38'48" EAST 52.05 FEET TO A 5/8" IRON ROD; 39.27 FEET ALONG A 25.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS SOUTH 45°00'49" EAST 35.36 FEET) TO A 5/8" IRON ROD; SOUTH 00°00'50" EAST 64.00 FEET TO A 5/8" IRON ROD NO THE NORTH LINE OF PARTITION PLAT 2020 - 61; THENCE ALONG SAID NORTH LINE NORTH 89°58'34" EAST 838.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 51.17 ACRES MORE OR LESS.

ROBERT D. HAMMAN, PLS 64202LS

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE LOT 231, EAST PARK ESTATES P.U.D No. 2. AS RECORDED IN VOLUME H49, PAGE ???, MARION COUNTY BOOK OF TOWN PLATS, PARCEL 1 OF PARTITION PLAT 2020-061, MARION COUNTY SURVEY RECORDS 39457 AND 39510, AND THE REMAINING PROPERTY RECORDED IN REEL 4230, PAGE 271, AND REEL 4517, PAGE 110, MARION COUNTY DEED RECORDS INTO LOTS AND STREETS, AS ALLOWED BY THE CITY OF SALEM PLANNING DEPARTMENT CASE NUMBERS CPC-ZC-PUD-SUB-ADJ19-08MOD3. THE BASIS OF BEARING IS ALONG THE EAST LINE OF LOT 149 BETWEEN MONUMENTS "A" AND "B" PER EAST PARK ESTATES P.U.D.

THE BOUNDARY WAS ESTABLISHED IN EAST PARK ESTATES P.U.D. MASTER PLAN, USING THE ORIGINAL CONTROL THAT CREATED THE THE PLATS, PARTITIONS AND SURVEYS WERE CHECKED ALONG WITH THE EXISTING MONUMENTS SET IN THE AFOREMENTIONED PLATS AND SURVEYS. THE BASIS OF BEARING WAS HELD ALONG THE SOUTH LINE OF LOT 212 - 224 OF EAST PARK ESTATES NO. 2.

STATE STREET AND CORDON ROAD RIGHT-OF-WAY MONUMENTS WERE RECOVERED AND HELD AS SHOWN FROM MARION COUNTY SURVEY RECORD 36837, AND LABELED C, D, & E. AT POINT D, A PK NAIL WAS RECORDED WITH NO RECORD OF IT BEING SET AND I BELIEVE THAT THE IRON ROD IS PAVED OVER AND STILL THERE.

PLAT NOTES:

ALL EASEMENTS GRANTED OR CONVEYED TO THE CITY BY THIS PLAT ARE TO BE GOVERNED BY THE TERMS AND CONDITIONS FOUND IN SRC 205.080.

ALL PRIVATE STREETS ARE SUBJECT TO WATER, STORM, AND SANITARY SEWER EASEMENTS TO THE CITY OF SALEM.

SUBJECT TO THE MARION COUNTY INFRASTRUCTURE IMPROVEMENT AGREEMENT RECORDED IN REEL 3282, PAGE 365, MARION COUNTY DEED RECORDS; PRIVATE DEVELOPMENT AGREEMENT RECORDED IN REEL 4645, PAGE 494, MARION COUNTY DEED RECORDS.

SUBJECT TO CITY OF SALEM IMPROVEMENT AGREEMENT RECORDED IN REEL 4326, PAGE 201, MARION COUNTY DEED RECORDS; AMENDMENT RECORDED IN REEL 4546, PAGE 453, MARION COUNTY DEED RECORDS; ADDITIONAL AMENDMENT RECORDED IN REEL 4622, PAGE 215, MARION COUNTY DEED RECORDS.

CITY OF SALEM IMPROVEMENT AGREEMENT RECORDED IN REEL 4469, PAGE 473, MARION COUNTY DEED RECORDS.

SUBJECT TO THE PLANNING DECISIONS RECORDED IN REEL 4408, PAGE 134, REEL 4482, PAGE 084, AND REEL 4644, PAGE 374, MARION COUNTY DEED RECORDS.

SUBJECT TO THE SUBORDINATION AGREEMENTS RECORDED IN REEL 4266, PAGE 415, REEL 4308, PAGE 047, REEL 4517, PAGE 110, AND REEL 4648, PAGE 403, MARION COUNTY DEED RECORDS.

AFFIDAVIT OF CONSENT RECORDED IN REEL _____, PAGE _____ MARION COUNTY DEED RECORDS, PERTAINING TO THE DEED OF TRUST AS RECORDED IN REEL 4266, PAGE 414, MARION COUNTY DEED RECORDS; AN AMENDMENT TO TRUSTEES RECORDED IN REEL 4624, PAGE 268, MARION COUNTY DEED RECORDS.

AFFIDAVIT OF CONSENT RECORDED IN REEL _____, PAGE _____ MARION COUNTY DEED RECORDS, PERTAINING TO THE DEED OF TRUST AS RECORDED IN REEL 4517, PAGE 110, AND REEL 4648, PAGE 163, MARION COUNTY DEED RECORDS.

AFFIDAVIT OF CONSENT RECORDED IN REEL _____, PAGE _____ MARION COUNTY DEED RECORDS, PERTAINING TO THE DEED OF TRUST AS RECORDED IN REEL 4648, PAGE 280, MARION COUNTY DEED RECORDS.

AFFIDAVIT OF CONSENT RECORDED IN REEL _____, PAGE _____ MARION COUNTY DEED RECORDS, PERTAINING TO THE DEED OF TRUST AS RECORDED IN REEL 4648, PAGE 368, MARION COUNTY DEED RECORDS.

SUBJECT TO THE COVENANTS, CONDITIONS, AND RESTRICTIONS AS DESCRIBED IN REEL 4533, PAGE 394, MARION COUNTY DEED RECORDS AND THE BYLAWS OF THE EAST PARK HOMEOWNERS ASSOCIATION AS DESCRIBED IN REEL 4533, PAGE 395.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
ROBERT D. HAMMAN
64202LS

EXPIRES: 6-30-2023

EAST PARK ESTATES P.U.D. No. 3
IN THE SW 1/4 & NW 1/4 OF 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

APPROVALS AND ACCEPTANCE OF DEDICATION

CITY OF SALEM PLANNING ADMINISTRATOR
SUBDIVISION CASE NUMBERS
CPC-ZC-PUD-SUB-ADJ19-08MOD3

DATE

CITY OF SALEM SURVEYOR

DATE

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES AS PROVIDED BY ORS 92.095 HAVE
BEEN PAID THROUGH: DATE

MARION COUNTY TAX COLLECTOR

DATE

MARION COUNTY ASSESSOR

DATE

CHAIRPERSON OR VICE-CHAIRPERSON
MARION COUNTY BOARD OF COMMISSIONERS

DATE

STATE OF OREGON }
COUNTY OF MARION } S.S.

I DO HEREBY CERTIFY THAT THE ATTACHED SUBDIVISION PLAT WAS
RECEIVED FOR RECORDING ON THE DAY OF 2023,
AT O'CLOCK AND RECORDED IN THE MARION COUNTY BOOK OF
TOWN PLATS, VOLUME , PAGE . IT IS RECORDED IN THE
MARION COUNTY DEED RECORDS IN REEL , PAGE .
BILL BURGESS, MARION COUNTY CLERK

BY: DEPUTY COUNTY CLERK

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT EAST PARK LLC., AN OREGON LIMITED LIABILITY
COMPANY, BEING THE OWNER OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE
HEREON, AND DESIRING TO DISPOSE OF THE SAME INTO LOTS, COMMON OPEN SPACE, AND
PUBLIC AND PRIVATE STREETS, HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED THE NAME
TO BE KNOWN AS EAST PARK ESTATES P.U.D. No 3. THE ACCESS AND UTILITY EASEMENT GRANTED
TO THE CITY OF SALEM ON EAST PARK ESTATES P.U.D., VOLUME H48, PAGE 91, MARION COUNTY
BOOK OF TOWN PLATS, THAT LIE WITHIN THE PUBLIC AND PRIVATE ROADS ESTABLISHED HEREIN
ARE HEREBY EXTINGUISHED IN COMPLIANCE WITH ORS 92.185. I HEREBY GRANT THE ACCESS,
UTILITY, PUBLIC UTILITY, STORM, AND SEWER EASEMENTS AND ACKNOWLEDGE THE PLAT NOTES
SHOWN HEREIN.

KIRIL IVANOV, MEMBER
EAST PARK LLC., AN OREGON LIMITED LIABILITY COMPANY

STATE OF OREGON }
COUNTY OF } S.S.

ON THIS DAY OF , 2023 , KIRIL IVANOV, MEMBER, EAST PARK
LLC., AN OREGON LIMITED LIABILITY COMPANY, PERSONALLY APPEARED BEFORE ME, A NOTARY
PUBLIC FOR OREGON, WHO ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS
VOLUNTARY ACT AND DEED.

NOTARY SIGNATURE

NOTARY PUBLIC - OREGON

COMMISSION NO.

MY COMMISSION EXPIRES:

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

East Park Estates

PUD-Final Plan Phase 3

January 11, 2023

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.

On July 21, 2022, CPC-ZC-PUD-SUB-ADJ19-08MOD3 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 3, as approved under CPC-ZC-PUD-SUB-ADJ19-08MOD3.

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 July 21, 2022, CPC-ZC-PUD-SUB-ADJ19-08MOD3 was approved to allow the subject property to be developed with 649 single-family units on approximately 122 acres within seven (6) phases.

PHASE	LOTS
1	148
2	80
2A	14
2B	12
3	106
4	80
5	129
6	80

Phase 3 was originally approved for 106 lots. There are now 104 lots within Phase 3 as shown on the site plans submitted.

As shown on the Final Plan, the number of lots in Phase 3 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 July 21, 2022, CPC-ZC-PUD-SUB-ADJ19-08MOD3 was approved to allow the subject property to be developed with 649 single-family units on approximately 122 acres within seven (6) phases. Phase 3 was approved for 106 lots and there are now 104 lots within Phase 3 as shown on the site plans submitted.

The number of lots has decreased, however, the Final PUD Plan for Phase 3 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-ADJ19-08MOD3. The modifications were not significant, and they were approved. Therefore, the Final PUD Plan for Phase 3 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 3.

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 3. 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 41: Construction plans are approved, and the improvement is secured with an improvement agreement.
- Condition 42: Construction plans are approved, and the improvement is secured with an improvement agreement.
- Condition 43: Construction plans are approved, and the improvement is secured with an improvement agreement and performance security.
- Condition 44: Construction plans are approved, and the improvement is secured with an improvement agreement and performance security.
- Condition 45: This dedication is shown on the draft final plat and will be dedicated with the plat.

(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-ADJ19-08MOD3 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: Curt Pellatz, Senior Program Manager
Public Works Department *C. Pellatz*

DATE: May 1, 2023

SUBJECT: PUBLIC WORKS ANALYSIS
PUD FINAL PLAN APPROVAL – EAST PARK ESTATES PHASE 3
CASE NO. CPC-ZC-PUD-SUB-ADJ19-08MOD3 (23-102046-PLN)
255 CORDON ROAD NE

SUMMARY OF FINDINGS

As described below, the proposed development meets the criteria for East Park Estates Phase 3 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-ADJ19-08MOD3 (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. Phase 3 will create 104 new residential lots, resulting in 981 average daily trips. The total ADT of the three phases after full buildout will be 3,115 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 will be 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 with 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. Oregon Department of State Lands Permit No. 63399-RF for Phases 3-6 was issued on September 27, 2021. Additional Federal permits will be required for future phases. This Condition is met for Phase 3.

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. 20-118530-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 3 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. 20-118530-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. 20-118530-PC demonstrate all lots within Phase 3 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. 20-118530-PC demonstrate stormwater facility accommodations for future impervious surfaces for all lots within Phase 3. 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:

FINDING: Conditions 29 through 35 were complete with the recording of the Phase 2 Final Plat.

PHASE 3:

Condition 41: Construct a 12-inch water main in (future) Greencrest Street NE to State Street.

FINDING: Public Construction plans issued with City Permit No. 20-118530-PC demonstrate the required 12-inch water main in Greencrest Street NE in compliance with this Condition. This Condition is met.

Condition 42: Construct Greencrest Street NE to State Street to Collector B\ standards.

FINDING: Public Construction plans issued with City Permit No. 20-118530-PC demonstrate the construction of Greencrest Street NE to State Street in compliance with this Condition. This Condition is met.

Condition 43: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.

FINDING: Public Construction plans issued with City Permit No. 20-118530-PC demonstrate the required turning lanes at the Greencrest Street NE and State Street intersection in compliance with this Condition. This Condition is met.

Condition 44: Construct a 12-inch water main in State Street from the west line of Phase 3 to Cordon Road NE.

FINDING: After additional analysis by Keith Garlinghouse, PE, Utilities Engineer, Strategic Planning Section, it was determined that installing the 12-inch water main in State Street from Cordon Road NE to Greencrest Street NE is adequate to serve the development and the surrounding area. Public Construction plans issued with City Permit No. 20-118530-PC demonstrate the water main installation in State Street as directed by the Strategic Planning Section. This Condition is met.

Condition 45: Convey land for dedication of right-of-way to equal 48 feet from centerline along the Phase 3 and Phase 4 frontages of State Street.

FINDING: The Applicant's proposed Final Plat demonstrates an 18-foot dedication along the Phase 3 and Phase 4 State Street frontage. This dedication, along with the existing 30-foot State Street half-width right-of-way creates the 48-foot right-of-way width as required by this Condition. This Condition is met.

Prepared By: Laurel Christian, Development Services Planner II
cc: File

Aaron Panko

From: Jolynn Franke <jolynn.franke@cherriots.org>
Sent: Friday, February 24, 2023 12:52 PM
To: Aaron Panko
Subject: Comments for PUD23-01
Attachments: PUD23-01_255 Cordon Rd NE_East Park Estates_Phase 3.pdf

Hello Aaron.

Attached are Cherriots comments for Planned Unit Development Final Plan Case No. PUD23-01 for 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE. We just need the developer and/or engineering firm to reach out to us so we can finalize the locations and specs of the transit stops that were previously conditioned.

Let me know if you have any questions.

Thanks,

Jolynn Franke
Transit Planner I
jolynn.franke@cherriots.org
503-361-7505



555 Court St NE, Suite 5230
Salem, OR 97301
Administration: 503-588-2424
Fax: 503-566-3933



RESPONSE TO REQUEST FOR COMMENTS

DATE: 02/24/2023

CASE/APP NUMBER: PUD23-01 (CPC-ZC-PUD-SUB-ADJ19-08)

PROPERTY LOCATION: 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE

CASE MANAGER: Aaron Panko, Planner III, City of Salem

Email: apanko@cityofsalem.net

COMMENTS FROM: Jolynn Franke, Transit Planner I, Cherriots

Email: planning@cherriots.org

COMMENTS: As conditioned in the previously approved Modification of Subdivision, Case No. CPC-ZC-PUD-SUB-ADJ19-08MOD3, Phase 3 of East Park Estates includes construction of Greencrest Street NE to State Street to Collector B standards (Condition 42). These comments are to serve as a reminder that construction of this segment of Greencrest Street NE will include two transit stops as conditioned in the previously approved Modification of Phased Subdivision Case No. CPC-ZC-PUD-SUB-ADJ19-08MOD2 (Condition 1). The approximate location of these two transit stops was agreed upon by Cherriots and Multi-Tech Engineering Services, Inc. in December 2021. However, the exact locations and specifications have not yet been discussed. Cherriots requests that the developer contact us to determine the locations and specifications of the two transit stops as a condition to the approval by the City of Salem of PUD23-01.