



# Land Use Compatibility Statement

## What is a Land Use Compatibility Statement?

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

## Why is a LUCS required?

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

## When is a LUCS required?

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

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

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

## How to complete a LUCS:

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

## Where to get help:

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

## Cultural resources protection laws:

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

# Land Use Compatibility Statement

## Section 1 – To be completed by the applicant

1A. Applicant Name:

Contact Name:

Mailing Address:

City, State, Zip:

Telephone:

Tax Account #:

1B. Project Name:

Physical Address:

City, State, Zip:

Tax Lot #:

Township: Range: Section:

Latitude:

Longitude:

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

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

- |   |  |
|---|--|
| <input type="checkbox"/> Air Quality Notice of Construction                                   | <input type="checkbox"/> Clean Water State Revolving Fund Loan Request   |
| <input type="checkbox"/> Air Contaminant Discharge Permit                                     | <input type="checkbox"/> Wastewater/Sewer Construction Plan/ Specifications (includes review of plan changes that require use of new land)                 |
| <input type="checkbox"/> Air Quality Title V Permit   | <input type="checkbox"/> Water Quality NPDES Individual Permit   |
| <input type="checkbox"/> Air Quality Indirect Source Permit                                   | <input type="checkbox"/> Water Quality WPCF Individual Permit (for onsite construction-installation permits use the DEQ <a href="#">Onsite LUCS form</a> ) |
| <input type="checkbox"/> Parking/Traffic Circulation Plan                                     | <input type="checkbox"/> Water Quality NPDES Stormwater General Permit (1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z)                                    |
| <input type="checkbox"/> Solid Waste Land Disposal Site Permit                                | <input type="checkbox"/> Water Quality General Permit (all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile)                   |
| <input type="checkbox"/> Solid Waste Treatment Facility Permit                                | <input type="checkbox"/> Water Quality 401 Certification for federal permit or license   |
| <input type="checkbox"/> Solid Waste Composting Facility Permit (includes Anaerobic Digester) |  |
| <input type="checkbox"/> Conversion Technology Facility Permit                                |  |
| <input type="checkbox"/> Solid Waste Letter Authorization Permit                              |  |
| <input type="checkbox"/> Solid Waste Material Recovery Facility Permit                        |  |
| <input type="checkbox"/> Solid Waste Energy Recovery Facility Permit                          |  |
| <input type="checkbox"/> Solid Waste Transfer Station Permit                                  |  |
| <input type="checkbox"/> Waste Tire Storage Site Permit                                       |  |
| <input type="checkbox"/> Pollution Control Bond Request                                       |  |
| <input type="checkbox"/> Hazardous Waste Treatment, Storage or Disposal Permit                |  |

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

**Section 2 – To be completed by city or county planning official**

Applicant name:

Project name:

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

2A. The project proposal is located: ☐ Inside city limits ☐ Inside UGB ☐ Outside UGB

2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use):

2C. ☐ This project is not within the jurisdiction of any other land use, zoning, or planning entity☐ This project is also within the jurisdiction of the following land use, zoning, or planning entity \_\_\_\_\_2D. Is the activity allowed under Measure 49 (2007)? ☐ No, Measure 49 is not applicable ☐ Yes, if yes, then check one:☐ Express; approved by DLCD order #:☐ Conditional; approved by DLCD order #:☐ Vested; approved by local government decision or court judgment docket or order #:

2E. Is the activity a composting facility?

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

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

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

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

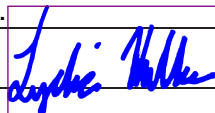
Relevant specific plan policies, criteria, or standards:

Provide the reasons for the decision:

Additional comments (attach additional information as needed):

Site work and erosion control permits from City of Salem are required. See 20-109102-PC for Public Construction Plan Review for Northstar J-k.

Planning Official Signature:



Title:

Print Name:

Telephone #:

Date:

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

Planning Official Signature:

Title:

Print Name:

Telephone #:

Date:

**Alternative formats**

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

## NOTICE OF DECISION

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



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

## ADMINISTRATIVE DECISION FOR MODIFICATION OF TENTATIVE SUBDIVISION PLAN

**CASE NO.:** SUB-07-13AMOD4 -ADJ21-01  
**AMANDA NO.:** 21-104867-LD and 21-104869-ZO  
**DATE OF DECISION:** April 21, 2021  
**PROPERTY LOCATION:** 4400-5200 Block of Kale Road NE  
**APPLICANT:** Northstar Communities, LLC

### REQUEST

Modification of the amended approval of tentative subdivision plan SUB07-13A (Northstar subdivision) to reconfigure several lots and request an adjustment to the lot width to depth ratio (Table 511-2) for Lots 587-589.

Urban Growth Preliminary Declaration UGA07-01 was granted in association with the subdivision and, pursuant to SRC 200.025(g)(1), remains in effect as long as SUB07-13A remains valid.

The original subject property is approximately 148.74 acres in size, zoned RS (Single Family Residential) and RM-1 and RM-2 (Multiple Family Residential) and located in the 4400-5200 blocks of Kale Road NE (Marion County Assessor's Map and Tax Lot Numbers 062W32C 00200; 00800; 00900; 1000; and 062W32D 00701 and 01100).

### DECISION

The requested modification of the tentative subdivision plan is APPROVED subject to conditions of approval and to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in the approval of amended tentative subdivision plan SUB07-13A and amended Urban Growth Area Preliminary Declaration UGA07-01, as noted below:

### BACKGROUND

On December 18, 2007, the Subdivision Review Committee approved amendments to the Northstar subdivision, a proposal to divide approximately 148.74 acres into multi-family and single-family residential lots, with six alternative subdivision layouts resulting in up to approximately 729 lots and concurrent variances to allow townhouse lots on the portion of the subject property zoned RM-2 (Multiple Family Residential). Urban Growth Preliminary Declaration UGA07-01 was granted in association with the Northstar tentative subdivision plan. Two-year extensions of the amended approval were granted in 2009, 2011, 2013, and 2015.

A modification was approved on May 24, 2017 which extended the expiration date of the subdivision to December 18, 2019 for the first segment and the applicant can apply for two-year time extension with the final extension expiring no later than December 18, 2027.

As originally approved, the tentative subdivision plan divides the overall 729-lot development into 11 “segments” labeled “A” through “K” and consisting of between 38 and 131 lots each. Although the segments are related to incremental platting of the subdivision, these segments are not “phases” and the Northstar subdivision is not a phased tentative subdivision plan as described in SRC 205.015. As described in the original Subdivision Review Committee decision approving SUB07-13, the segments “are not phases as no particular order has been proposed for their development and each segment must be individually reviewed for applicable development standards.”

The tentative subdivision plan approved in SUB07-13A included six different platting alternatives. One set of alternatives allows for flexibility to address Department of State Lands requirements for the portion of the North Fork of the Little Pudding River running through the subject property. Another set of alternatives applies to different configurations for Segments J and K, which approximately occupies the northern half of Tax Lot 200, in a “panhandle” extending northward to Hazelgreen Road NE. One option would divide the entire area into single family residential lots; the “school/park option” would reserve approximately 11.23 acres for a combined elementary school and park; and the “park option” would provide approximately 6.92 acres for a park site. Either the “school/park option” or the “park option” would also include single family residential lots on the remainder of the “panhandle” area. This modification removes all alternatives and approves the layout in the attached plan.

The modification approved in May of 2017, amended the subdivision plan to reconfigure the boundaries between the lot groupings “segments.”

The modification approved in July of 2019, amended lot dimensions, which needed a Class 2 Adjustment.

The modification approved in October of 2019, amended phased boundaries, lot dimensions, reduced lots from 729 to 660 lots, realigned streets and re-issued applicable conditions of approval. The modification did not extend the expiration date of the subdivision.

### **City Department and Public Agency and Private Service Provider Comments**

**Public Works Department.** The City of Salem Public Works Department, Development Services Section, reviewed the proposal and provided comments and recommendations for plat approval, which are included below.

### **Neighborhood Association Comments and Public Comments**

The subject property is located within the Northgate Neighborhood Association (Northgate). Notice of the application was provided to the neighborhood association, pursuant to SRC 300.520(b)(1)(B)(iii), which requires public notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed subdivision. Three comments with no objection from property owners within the

vicinity of the subject property were submitted and six in opposition to the proposal due to traffic concerns on Kale Street, open space and trespassing.

**Staff Response:** The proposed modification changes the lot dimensions of several lots, but does not increase the amount of lots, therefore will not increase the amount of traffic from the previously approved subdivision. In addition, the modification is for the final phase of the subdivision which abuts Hazelgreen Road. The development along Kale Street is not proposed to change at this time. The threat to open space and possible trespassing are not part of the modification criterion, since the subdivision has been previously approved and the change will not increase the impact of the overall subdivision.

## **FINDINGS**

The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final subdivision plat.

Tentative Subdivision Case No. SUB07-13A was approved in 2007 under the requirements of former SRC Chapter 63 (Subdivisions). Since that time, the City's zoning and development codes were amended as part of the City's Unified Development Code (UDC) project. The UDC was a multi-year project to update the City's zoning and development codes to make them easier to understand and administer. The intent of the project was to reorganize and streamline, but not to make major policy changes to existing standards and criteria. The standards and criteria applicable to subdivisions were included in the standards and criteria updated as part of the UDC. However, because the UDC was not intended to make policy changes, none of those revisions have required modification of the original subdivision approval. Minimum lot size and dimensions, street standards, and other requirements applicable to the subdivision remain the same.

Tentative Subdivision Case No. SUB07-13A was previously modified in May of 2017, July of 2019, and October of 2019.

### **1. Criteria for Modification of the Approval of a Tentative Subdivision Plan (SRC 205.070(d)):**

***SRC 205.070(d)(1): The proposed modification is not substantially inconsistent with the conditions of the original approval.***

**Finding:** The proposed modification is consistent with the conditions of the original approval. The modification proposes minor changes to the lot boundaries and requires an adjustment. As such, no changes are necessary to the conditions of approval from the original decision, however the modified conditions of approval remain substantially consistent with the original approval.

***SRC 205.070(d)(2): The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.***

**Finding:** The applicant does not propose to change the use of the site, which would be subdivided into lots for single family residential development. The applicant's proposal retains similar streets and lot layout as approved for the tentative subdivision plan. The Tree Conservation Plan (TCP07-17) or Tree Conservation Plan Adjustment (TCPA 19-08) approved for the tentative subdivision plan is not altered by the requested modification and would remain in effect. The variances granted in SUB07-13 are addressed in the Subdivision Review Committee's decision and are not altered by the reconfigured segments proposed in this modification.

The physical appearance of the completed development would remain essentially the same as originally proposed, with no changes to the internal street system or lot configuration on the perimeter of the property. Because of the very similar configuration and identical use of the eventual completed subdivision, the requested modification would not increase or otherwise change impacts on surrounding properties.

The proposal meets this criterion.

## **2. Effect on Expiration Period of Original Approval:**

Pursuant to SRC 205.070(e), the effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

**Finding:** The modification will not change the expiration date of SUB07-13A2MOD3 approved on October 4, 2019. SUB 07-13A2MOD3 provide the applicant a two-year deadline established for recording the final plat for a tentative subdivision plan, the expiration date of the modified subdivision was extended by two years, to December 18, 2019, which has been met. Since the applicant has requested a modification, a two-year time extension is granted to December 18, 2023.

Recognizing the incremental platting proposed by the applicant, the size and complexity of the overall development, and findings in both SUB07-13A, SUB07-13A2, SUB07-13A2MOD3 and this modification decision that the "segments" designated by the applicant meet applicable standards on an individual basis, the applicant is permitted to apply for up to four further extensions of the expiration date, in two year increments, with the final extension expiring no later than **December 18, 2027.**

Pursuant to SRC 200.025(g), a UGA Preliminary Declaration issued in connection with a subdivision shall remain valid as long as the tentative subdivision approval remains valid. Therefore, UGA07-01 and its terms and conditions would remain in effect for the duration of the subject modification and any subsequent extensions.

## **3. Analysis of Class 2 Adjustment Criteria**

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all of the following criteria are met:

### Criterion 1:

The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

**Finding:** The applicant is requesting a Class 2 Adjustment to increase the lot width to depth ratio of Lots 587-589.

The applicant is requesting a zoning adjustment to Table 511-2. The minimum lot width required for lots in the RS zone is 40 feet with a minimum lot depth of 70 feet. Table 511-2 only allows a maximum lot depth of 300% of average lot width

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

Lots 272 through 276 in Segment I of Northstar Subdivision are all 50 feet in width, therefore, only allowing a maximum lot depth of 150 feet. However, all three of these lots exceed 150 feet in lot depth. These lots range between 319%-340% due to the alignment of the proposed street and stormwater facility located on Lot 662.

The purpose of this requirement is to avoid creating long narrow lots. The applicant has made efforts to provide adequate street connections and circulation, the size and layout of the lots had to be taken into consideration. Due to the required street extensions near these lots, creating smaller lots is not feasible.

The proposed adjustment equally or better meets the standard.

Criterion 2:

If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

**Finding:** The subject property is not located within a residential zone; therefore, this criterion is not applicable.

Criterion 3:

If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

**Finding:** One adjustment is requested with this proposal; therefore, this criterion is not applicable.

## **DECISION**

The requested modification of the tentative phased subdivision plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the findings and conditions adopted in this decision.

### **Prior to final Plat for each segment:**

**Condition 1:** The applicant shall provide a 30-foot wide buffer along the boundary of those properties designated RS (Single Family Residential) to buffer the proposed residential land from industrial Designated and agriculturally zoned land, respectively. In addition, a sight-obscuring fence shall be required on the eastern boundary on the portion that abuts the urban growth boundary. Those



boundaries that abut residentially designated land (RS, RM1 and RM2) shall not be subject to this condition. CPC-ZC05-12; 3.

- Condition 2:** The applicant shall provide appropriate Multiple Family Residential bufferyards as required by SRC 132 (SRC 702) along the periphery of that property designated RM1 or RM2. CPC-ZC05-12; 4.
- Condition 3:** Obtain any necessary demolition permits and remove all existing structures on the subject property. SUB07-13A;2.
- Condition 4:** Any existing unused wells shall be abandoned to meet the requirements of State Board of Water Resources. SUB07-13A;3.
- Condition 5:** Any existing septic tank systems shall be abandoned. SUB07-13A;4.
- Condition 6:** All City infrastructure proposed within the BPA easement shall be constructed pursuant to PWDS and meet the requirements of all valid land use agreements approved by BPA. All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements. SUB07-13A;5
- Condition 7:** The deadline for final platting of the entirety of the proposed subdivision shall be prior to December 18, 2027. SUB07-13A;6.
- Condition 8:** The following table shall set forth the front lines for lots. SUB07-13A;9.

Segment	Lot Number	Front Lot Line
B	281-290	North
D	402	West
E	463	North
E	466 & 467	North
E	476	South
E	477	North
E	478	West
E	483	North
E	501 & 502	Northwest
E	505	West
E	506	West
F	142 & 143	North
F	157 & 158	North
G	527	North
G	529	East
G	530	East
G	533	East
G	534	South

Each segment will list the applicable condition prior to plat. Except for those conditions discussed earlier, the original condition is the same.

- Condition 9:** Reciprocal and irrevocable access rights for all parcels using the access way shall be included on the final plat and deeds for the individual lots. "No parking" signs shall be posted on both sides of the access way. SUB07-13A;10.
- Condition 10:** No direct driveway access shall be allowed onto Kale Road NE or Hazelgreen Road NE. SUB07-13A;15.
- Condition 11:** Stormwater facilities serving all Segments shall be designed and constructed in compliance with Federal and State Water Quality Standards. SUB07-13A;11
- Condition 12:** Construct left-turn lanes on Kale Road at each of the intersections into the subdivision. SUB07-13A;19.
- Condition 13:** Coordinate with Salem-Keizer Transit in order to provide transit stop locations and amenities along the frontage of Kale Road NE and Hazelgreen Road NE. Prior to final plat, submit evidence of coordination shall be provided to the City. Construct bus pullouts on Kale Road NE if requested by Salem-Keizer Transit, or evidence that Cherriots is not interested in pullouts on Kale Road NE shall be provided. SUB07-13A;21.
- Condition 14:** The applicant shall submit a drainage study at the time of development, consistent with the Stormwater Management Design Standards as approved by the Public Works Director. The drainage study shall: (1) identify all applicable deficiencies shown on the Storm Master Plan for the North Fork Little Pudding River from Kale Road SE to the Urban Growth Boundary; (2) specify on-site methods for minimizing stormwater runoff; and (3) identify off-site improvements needed to mitigate stormwater impacts. (UGA07-01; D.1).
- Condition 15:** The applicant shall construct all on-site and off-site improvements needed to mitigate stormwater impacts as specified in the approved drainage study. (UGA07-01; D.2).

**Segment A:**

Requirements to be determined during Site Plan Review.

**Segment B:**

- Condition 16:** Prior to final plat, the applicant shall convey land for dedication, along Kale Road NE, sufficient to equal a half-width right-of-way of 36 feet on the development side of centerline adjacent to Segments A, B, and E. UGA07-01; B.1 & CPC-ZC05-12; 1.
- Condition 17:** Prior to final plat, the applicant shall construct, Kale Road NE, a 23-foot half-width improvement on the development side, including street lights and sidewalks, and a 17-foot-wide turnpike improvement on the opposite side of the centerline, along the frontage of the subject property adjacent to Segments A, B, and E with tapers pursuant to PWDS. UGA07-01; B.1.
- Condition 18:** Prior to final plat, the applicant shall design and construct 49<sup>th</sup> Avenue NE from Kale Street NE to the north line of Segment E as a minimum 40-foot Collector B

street improvement. In lieu of designing and constructing the improvement, the applicant may provide a performance guarantee pursuant to SRC 110.100 for design and construction of the improvement in the amount of 17 percent of the City Engineer-approved cost estimate. UGA07-01; B.3.b.

**Condition 19:** Prior to final plat, the applicant shall submit a complete and submit evidence to the City of a joint permit application to the Oregon Department of State Lands for all proposed work within all segments that is subject to wetland/fill permits. If SUB07-13A;23.

**Condition 20:** Construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by City Traffic Engineer and by Oregon Department of Transportation. In lieu of designing and constructing the improvement, the applicant may provide a performance guarantee pursuant to SRC 110.100 for design and construction of the improvement in the amount of 39 percent of the City Engineer-approved cost estimate. SUB07-13A; 16.

#### **Segment C:**

**Condition 21:** Prior to final plat, all conditions of approval for Segment B shall be completed.

**Condition 22:** Prior to final plat, the applicant shall design and construct 49<sup>th</sup> Avenue NE from Kale Street NE to the north line of Segment E as a minimum 40-foot Collector B street improvement. In lieu of constructing the improvement, the applicant may provide a performance guarantee pursuant to SRC 110.100 for design and construction of the improvement in the amount of 13 percent of the City Engineer-approved cost estimate. UGA07-01; B.3.b.

**Condition 23:** Construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by City Traffic Engineer and by Oregon Department of Transportation. In lieu of designing and constructing the improvement, the applicant may provide a performance guarantee pursuant to SRC 110.100 for design and construction of the improvement in the amount of 29 percent of the City Engineer-approved cost estimate. SUB07-13A; 16.

#### **Segment D:**

**Condition 24:** Prior to final plat, all conditions of approval for Segment B, and C shall be completed.

**Condition 25:** Prior to final plat, the applicant shall design and construct 49<sup>th</sup> Avenue NE from Kale Street NE to the north line of Segment E as a minimum 40-foot Collector B street improvement. In lieu of designing and constructing the improvement, the applicant may provide a performance guarantee pursuant to SRC 110.100 for

design and construction of the improvement in the amount of 14 percent of the City Engineer-approved cost estimate. UGA07-01; B.3.b.

**Condition 26:** Contribute \$5,000 to neighborhood traffic calming devices to be approved after investigation by the City Traffic Engineer for areas south of the development, including Happy Drive NE. SUB07-13A;18.

**Condition 27:** Construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by City Traffic Engineer and by Oregon Department of Transportation. In lieu of constructing the improvement, the applicant may provide a performance guarantee pursuant to SRC 110.100 for construction of the improvement in the amount of 32 percent of the City Engineer-approved cost estimate. SUB07-13A; 16.

**Segment E:**

**Condition 28:** Prior to final plat, all conditions of approval for Segments B, C, and D shall be completed.

**Condition 29:** The applicant shall convey land for dedication 60-foot wide right-of-for 49<sup>th</sup> Street NE from Kale Street NE to Hazelgreen Road NE. UGA07-01; B.3.a.

**Condition 30:** Prior to final plat, the applicant shall design 49<sup>th</sup> Avenue NE from Kale Street NE to Hazelgreen Road NE, as a minimum 40-foot Collector B street improvement. UGA07-01; B.3.b.

**Condition 31:** Prior to final plat, the applicant shall construct 49<sup>th</sup> Avenue NE from Kale Street NE to the north line of the Bonneville Power Administration Easement as a minimum 40-foot Collector B street. UGA07-01; B.3.b.

**Condition 32:** Construct the 18-inch Master Plan water line within 49<sup>th</sup> Avenue from Kale Street to north line of BPA easement. UGA07-01; E.1&2 SUB07-13A;14.

**Condition 33:** Prior to final plat, the Applicant shall determine the 100-year floodplain flow path along the North Fork of the Little Pudding River from Kale Road to Hazelgreen Road. SUB07-13A;13.

**Condition 34:** Prior to final plat, the applicant shall submit a complete a wetland determination/delineation to the Oregon Department of State Lands. Evidence of an approved wetland permit including determination/delineation shall be submitted to the City prior to plat. All wetlands not mitigated according to state and federal requirements shall be located within a public stormwater drainage easement. SUB07-13A;23.

**Condition 35:** Construct improvements at the Portland Road /Hazelgreen Road NE intersection to mitigate impacts of the development. Improvements shall include northbound double left-turn lanes and an additional westbound receiving lane, and a separate eastbound right-turn-only lane. The improvements shall be approved by

City Traffic Engineer and by Oregon Department of Transportation. SUB07-13A; 16.

**Segment G:**

**Condition 36:** Prior to final plat, all conditions of approval for Segments B, C, E, and D shall be completed.

**Condition 37:** Prior to final plat, the applicant shall submit a complete a wetland determination/delineation to the Oregon Department of State Lands. Evidence of an approved wetland permit including determination/delineation shall be submitted to the City prior to plat. All wetlands not mitigated according to state and federal requirements shall be located within a public stormwater drainage easement. SUB07-13A;23.

**Segment J & K:**

**Condition 38:** Prior to final plat, all conditions of approval for Segments B, C, D, E, and G shall be completed.

**Condition 39:** Prior to final plat, the applicant shall convey land for dedication sufficient to equal a half-width right-of-way of 60 feet on the development side of Hazelgreen Road NE. UGA07-01; B.2.a.

**Condition 40:** The applicant shall construct Hazelgreen Road NE as a three-quarter minor arterial street improvement along the full frontage of the subject property. These improvements shall include a minimum of 46-foot wide pavement with sidewalk, street lights, and street trees on the south side. The landscape strip between the curb and sidewalk shall be a minimum of 8-feet wide. UGA07-01; B.2.b.

**Condition 41:** The applicant shall convey land for dedication 60-foot wide right-of-for 49<sup>th</sup> Street NE from the north line of the BPA easement to Hazelgreen Road NE. UGA07-01; B.3.a.

**Condition 42:** Prior to final plat, the applicant shall construct 49<sup>th</sup> Avenue NE from Hazelgreen Road NE to the northern line of the Bonneville Power Administration Easement as a minimum 40-foot Collector B street. UGA07-01; B.3.b

**Condition 43:** Construct the 18-inch Master Plan water line within 49<sup>th</sup> Avenue from Hazelgreen Road NE to the north line of the BPA easement. Construct an 18-inch Master Plan water line within Hazelgreen Road NE along the entire frontage of the subject property. UGA07-01; E.1&2 SUB07-13A;14.

**Condition 44:** Pursuant to the *Wastewater Management Master Plan*, the applicant shall convey land for and construct a sewer pump station abutting Hazelgreen Road and construct sewer mains as needed to connect the development to adequate sewer facilities. UGA07-01; F.

**Condition 45:** The Applicant shall determine the 100-year floodplain flow path along the North Fork of the Little Pudding River from Kale Road to Hazelgreen Road. SUB07-13A;13.

**Condition 46:** Prior to any construction activity in Segments J or K, the applicant shall meet with Marion County to explore the availability of funding from the East Salem Service District, City of Keizer and the City of Salem, for a regional storm water detention facility. The results of said meeting to be provided to City of Salem Public Works. SUB07-13A;12.



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

Case Manager: Olivia Dias, [odias@cityofsalem.net](mailto:odias@cityofsalem.net), 503-540-2343

Attachments:   A. Vicinity Map  
                  B. Site Plan for Modified Subdivision  
                  C. Subdivision Review Committee SUB07-13A & SUB07-13A2  
                  D. Planning Commission decision approving CPC-ZC05-12  
                  E. UGA Development Review Committee decision approving UGA07-1

Application Deemed Complete:	<u>March 31, 2021</u>
Notice of Decision Mailing Date:	<u>April 21, 2021</u>
Decision Effective Date:	<u>May 11, 2021</u>
State Mandated Decision Date:	<u>July 29, 2021</u>

The rights granted by this decision must be exercised or extension granted by the following dates or this approval shall be null and void:

<b>Tentative Subdivision Plan:</b>	<u>December 18, 2023</u>
<b>Class 2 Adjustment:</b>	<u>May 11, 2023</u>

A copy of the complete case file is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Thursday, May 6, 2021, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.