



COMMUNITY DEVELOPMENT DEPARTMENT

555 Liberty St. SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

September 24, 2019

Si necesita ayuda para comprender esta información, por favor llame 503-588-6173.

NOTICE OF FINAL LAND USE DECISION ***Fairview Refinement Plan / Class 2 Adjustment / Subdivision Case No. FRP-ADJ-SUB19-01 for property located at 4100-4200 Blocks of Pringle Rd SE and 4200 Block of Battle Creek Rd SE***

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Order No. 2019-10 FRP-ADJ-SUB19-01 at their September 23, 2019 session, adopting findings and **affirming** the **Planning Commission** decision. A copy of the Order is attached.

Any person with standing may appeal the City Council's 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 September 24, 2019. 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, modifications, and conditions of approval, if any is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.

Lisa Anderson-Ogilvie, AICP
Community Development Deputy Director
and Planning Administrator

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF THE APPEAL)	ORDER NO. 2019-10 FRP-ADJ-SUB19-01
OF THE DECISION OF THE)	FAIRVIEW REFINEMENT PLAN /
PLANNING COMMISSION FOR)	CLASS 2 ADJUSTMENT / SUBDIVISION
FAIRVIEW REFINEMENT PLAN /)	CASE NO. FRP-ADJ-SUB19-01
CLASS 2 ADJUSTMENT /)	
SUBDIVISION CASE NO. FRP-ADJ-)	
SUB19-01)	

This matter coming regularly for hearing before the City Council, at its September 9, 2019, meeting; and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming the decision of the Planning Commission in Fairview Refinement Plan/Class 2 Adjustment/Subdivision Case No. FRP-ADJ-SUB19-01, and approving the application.

PROCEDURAL FINDINGS:

- (a) Eric Olsen, of Olsen Design & Development, filed a consolidated application for a new Fairview Refinement Plan, and corresponding adjustment and subdivision, to develop a 14.07 acre portion of the former Fairview Training Center site generally located in the 4100 to 4200 blocks of Pringle Road SE and the 4200 block of Battle Creek Road SE.
- (b) After additional requested information was provided by the applicant, the application was deemed complete for processing on May 30, 2019. Notice of the public hearing on the proposal was subsequently provided pursuant to SRC requirements on June 19, 2019. Notice of the public hearing was also posted on the subject property pursuant to SRC requirements by the applicant.
- (c) On July 9, 2019, the public hearing for the proposed development was opened and, based on requests for continuances received from the public and the applicant, continued until July 23, 2019.
- (d) On July 23, 2019, the continued public hearing was held before the Planning Commission to receive evidence and testimony on the proposal. Included in the testimony provided to the Planning Commission was a request to leave the record of the public hearing open for seven days to address additional testimony and evidence submitted at the hearing. The Planning Commission considered this request and, based on the hearing already having been previously continued to allow for the submittal of additional evidence and testimony, proceeded to deliberate and vote on the proposal.
- (e) On July 26, 2019, the Planning Commission's decision was issued approving the proposed refinement plan, Class 2 Adjustment, and tentative subdivision plan subject to conditions of approval (**Exhibit 1**).
- (f) On August 9, 2019, an appeal of the Planning Commission's decision was filed by Jerry Mumper.

- (g) On August 20, 2019, public notice of the appeal hearing was provided pursuant to SRC requirements. Notice was also subsequently posted on the property pursuant to SRC requirements by staff.
- (h) On September 9, 2019, the City Council conducted a hearing to receive evidence and testimony regarding the appeal of the Planning Commission's July 26, 2019, decision.
- (i) After receiving evidence and testimony on the appeal, the City Council conducted deliberations and voted to affirm the Planning Commission's decision approving the application subject to the identified conditions of approval. The City Council hereby adopts the findings of fact and conclusions of law in the Planning Commission's July 26, 2019, decision in their entirety; together with the supplemental findings of fact included in **Exhibit 2**.
- (j) The state-mandated 120-day final decision deadline for the application is September 27, 2019.

SUBSTANTIVE FINDINGS:

The City Council adopts the following findings for this decision:

- (a) As provided in the July 26, 2019, Planning Commission Decision (**Exhibit 1**) and the supplemental findings of fact included in **Exhibit 2**, and as demonstrated by the evidence and testimony included in the record, the requested Fairview Refinement Plan, Class 2 Adjustment, and Subdivision, as conditioned, satisfies all of the approval criteria applicable to the application as set forth under SRC 530.030(e), SRC 250.005(d)(2), and 205.010(d).
- (b) The supplemental findings of fact, attached hereto as **Exhibit 2**, are incorporated into this decision as if set forth herein.
- (c) The City Council therefore APPROVES the application for the Fairview Refinement Plan, Class 2 Adjustment, and Subdivision, as proposed, subject to the conditions of approval included in the Planning Commission's July 26, 2019, decision.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1. The Planning Commission's decision for Fairview Refinement Plan, Class 2 Adjustment, and Subdivision Case No. FRP-ADJ-SUB19-01 is hereby affirmed.

Section 2. This order constitutes the final land use decision and any appeal must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

ADOPTED by the City Council this 23rd day of September 2019.

ATTEST:

City Recorder



Checked by: Bryce Bishop

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

DECISION OF THE PLANNING COMMISSION

**FAIRVIEW REFINEMENT PLAN / CLASS 2 ADJUSTMENT / SUBDIVISION CASE
NO.: FRP-ADJ-SUB19-01**

APPLICATION NO.: 17-124220-ZO; 19-113933-ZO; 17-124217-LD

NOTICE OF DECISION DATE: July 26, 2019

SUMMARY: An application to develop approximately 14.07 acres of the former Fairview Training Center site pursuant to the requirements of the Fairview Mixed-Use zone and the Fairview Plan, the adopted master plan for the former Fairview Training Center site.

REQUEST: A consolidated application to develop approximately 14.07 acres of the former Fairview Training Center site. The application includes the following:

- 1) A Refinement Plan, pursuant to SRC 530.030, for the approximate 14.07-acre property setting forth the requirements and standards for future development of the property consistent with the provisions of the Fairview Mixed-Use Zone (SRC Chapter 530) and the adopted Fairview Plan;
- 2) A Class 2 Adjustment to reduce the minimum required size of a refinement plan from 40 acres, as required under SRC 530.030(b), to approximately 14.07 acres; and
- 3) A Subdivision to divide the 14.07-acre property included within the Refinement Plan into 16 lots ranging in size from approximately 13,499 square feet to approximately 47,096 square feet.

The property is zoned FMU (Fairview Mixed-Use) and is located in the 4100 to 4200 Blocks of Pringle Road SE and the 4200 Block of Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W1100202).

APPLICANT: Olsen Design and Development, Inc.

LOCATION: 4100-4200 Blocks of Pringle Rd SE and 4200 Block of Battle Creek Rd SE / 97302

CRITERIA: Salem Revised Code SRC 530.030(e)
Salem Revised Code SRC 250.005(d)(2)
Salem Revised Code SRC 205.010(d)

FINDINGS: The facts and findings are in the attached document dated July 26, 2019.

DECISION: The Planning Commission **APPROVED** Fairview Refinement Plan / Class 2 Adjustment / Subdivision Case No.: FRP-ADJ-SUB19-01 subject to the following conditions of approval:

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

- A. **APPROVE** the proposed Fairview Woods Refinement Plan, a refinement plan for a portion of the former Fairview Training Center property approximately 14.07 acres in size, subject to the following conditions:

Condition 1: Figure 5 (Archeological Inventory/Tree Conservation Plan) of the refinement plan shall be revised to indicate a 90 percent preservation requirement within the identified tree protection zones.

Condition 2: The "Transit Close at Hand" section of the refinement plan on page 10 shall be revised to eliminate the language referring to transit service being provided to the development via Salem-Keizer Transit Route 6 on Pringle Road SE and Battle Creek Road SE.

~~**Condition 3:** All figure drawings included within the refinement plan that show the modified cul de sac transition between the southern end of Braden Woods Lane and Braden Lane as being located outside the subject within the adjacent Fairview Addition West subdivision shall be revised to instead show the modified cul de sac transition as being located on the subject property within the boundary of the refinement plan consistent with the corresponding transition provided at the northern end of Braden Woods Lane.~~

Condition 43: The language concerning water service to the proposed refinement plan included under Sections 12 and 22 of the refinement plan shall be revised to be consistent with the water service requirements identified by the Public Works Department.

Condition 54: The existing glacial erratic boulder identified in the 2004 Archaeological Cultural Resources Inventory and Assessment for the Fairview Plan shall be moved to a different location within 200 feet of its current location in order to facilitate development of the property. When the boulder is moved, an archaeologist shall be present to examine the procedures and re-examine it to determine if any cultural petroglyphs are present.

Condition 65: An archeological resource inadvertent discovery plan shall be required for development within the refinement plan area.

- B. **APPROVE** the Class 2 Adjustment to reduce the minimum required size of the refinement plan from 40 acres, as required under SRC 530.030(b), to approximately 14.07 acres.

- C. **APPROVE** the proposed tentative subdivision plan to divide the 14.07-acre property included within the Refinement Plan into 16 lots ranging in size from approximately 13,499 square feet to approximately 47,096 square feet subject to the following conditions prior to final plat approval unless otherwise indicated:

~~**Condition 1:** Extend water main(s) pursuant to the PWDS from the terminus of the existing S-2 water main at the intersection of Battle Creek Road SE and Sunland Street SE to serve proposed parcels with a finished floor elevation greater than 358 feet.~~

For all lots proposed with dwellings constructed at a finished floor elevation greater than 358 feet, extend water main(s) pursuant to PWDS from the terminus of the existing S-2 water main at the intersection of Battle Creek Road SE and Sunland Street SE to serve those lots.

- Condition 2:** Construct water and sewer systems to serve each lot.
- Condition 3:** Design and construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.
- Condition 4:** Provide easements for public utilities located within private streets pursuant to PWDS 1.8(f).
- Condition 5:** Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements pursuant to SRC 802.040.
- Condition 6:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 7:** Fire hydrants shall be provided and located within 600 feet of all portions of the dwelling units.
- Condition 8:** Prior to final subdivision 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 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.
- Condition 9:** The portion of 2nd Street within the Fairview Addition West Subdivision located west of Z Street and connecting to Long Loop within the Fairview Woods refinement plan shall be designed to provide a transition from the private street design approved in the Fairview Addition West refinement plan to the private street design for Long Loop approved in the Fairview Woods refinement plan.
- Condition 10:** ~~The tentative subdivision plan shall be revised to relocate the modified cul-de-sac transition between the southern end of Braden Woods Lane and Braden Lane onto the subject property within the boundary of the refinement plan consistent with the corresponding transition provided at the northern end of Braden Woods Lane.~~

The portion of Braden Lane within the Fairview Addition West subdivision located between the south end of Braden Woods Lane and the modified cul-de-sac transition shown on the tentative subdivision plan shall be designed as a private street extension of Braden Woods Lane.

- Condition 11:** Construct a minimum 46-foot-wide improvement along the entire frontage of parcels 2 and 3 of Partition Plat 2015-29 to Minor Arterial standards, including tapers pursuant to PWDS. The sidewalk may meander and be located within an easement east of the property line in order to preserve existing trees along the property frontage. The boundary street improvements for the parcel 3 frontage may be deferred through an amendment to the existing Construction Deferral Agreement for the Fairview Addition West Subdivision (Reel 3690, Page 288, Marion County Records).
- Condition 12:** Construct internal streets to Local street standards pursuant to PWDS, except as otherwise provided in the alternate cross-sections pursuant to the refinement plan.
- Condition 13:** The emergency access to Pringle Road SE will be allowed only as required by the Fire Marshal.
- Condition 14:** Braden Woods Lane and Long Loop shall have appropriate no parking signage reviewed and approved as a condition of public construction plan approval.
- Condition 15:** No parking shall be permitted in the cul-de-sac bulbs at the northern and southern ends of Braden Woods Lane.

VOTE:

Yes 5 No 0 Absent 3 (Griggs, Kopcho, Wright) Abstain 1 (Elzinga)


Brian McKinley, Vice President
Salem Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, as follows or this approval shall be null and void:

Fairview Refinement Plan	<u>August 13, 2021</u>
Class 2 Adjustment	<u>August 13, 2021</u>
Subdivision	<u>August 13, 2021</u>

Application Deemed Complete:	<u>May 30, 2019</u>
Public Hearing Date:	<u>July 9, 2019 and July 23, 2019</u>
Notice of Decision Mailing Date:	<u>July 24, 2019</u>
Decision Effective Date:	<u>August 13, 2019</u>
State Mandate Date:	<u>September 27, 2019</u>

Case Manager: Bryce Bishop, bbishop@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., Monday, August 12, 2019**. Any person who presented evidence or testimony prior to the close of the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 530, 250 & 205. The 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 appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

FACTS & FINDINGS

FAIRVIEW REFINEMENT PLAN / CLASS 2 ADJUSTMENT / SUBDIVISION CASE NO. FRP-ADJ-SUB-19-01

JULY 26, 2019

PROCEDURAL FINDINGS

1. Eric Olsen, of Olsen Design & Development, filed a consolidated application for a new Fairview Refinement Plan, and corresponding adjustment and subdivision, to develop a 14.07 acre portion of the former Fairview Training Center site generally located in the 4100 to 4200 blocks of Pringle Road SE and the 4200 block of Battle Creek Road SE.
2. After additional requested information was provided by the applicant, the application was deemed complete for processing on May 30, 2019. Notice of the public hearing on the proposal was subsequently provided pursuant to SRC requirements on June 19, 2019. Notice of the public hearing was also posted on the subject property pursuant to SRC requirements by the applicant.
3. On July 9, 2019, the public hearing for the proposed development was opened and, based on requests received from the public and the applicant, continued until July 23, 2019.
4. On July 23, 2019, the continued public hearing was held before the Planning Commission to receive evidence and testimony on the proposal. Included in the testimony provided to the Planning Commission was a request to leave the record of the public hearing open for seven days to address additional testimony and evidence submitted at the hearing. The Planning Commission considered this request and, based on the hearing already having been previously continued to allow for the submittal of additional evidence and testimony, proceeded to deliberate on the proposal.
5. The state-mandated 120-day final decision deadline for the application is September 27, 2019.

BACKGROUND

On September 24, 2003, the City Council adopted amendments to the Salem Area Comprehensive Plan (SACP) and Salem Revised Code (SRC) establishing a "Mixed Use" comprehensive plan designation and a "Fairview Mixed Use" (FMU) zone district. The adopted amendments were applied to the former Fairview Training Center site to promote the sustainable and mixed-use development of the 275-acre property.

Development within the Fairview Mixed-Use zone requires a master planning process, the first step of which began with the adoption of the Fairview Plan in 2005. The Fairview Plan is the master plan for the entire Fairview site that establishes the overall goals and policies to guide future development of the property.

The second step in the master planning process is the adoption of more detailed refinement plans. Refinement plans are generally intended to apply to areas of the site

not less than 40 acres in size. Refinement plans serve as detailed regulatory plans that implement the overall goals, policies, and development objectives of the Fairview Plan and establish the specific standards for development within the Refinement Plan area.

Since the approval of the Fairview Plan in 2005 the following four refinement plans have been approved for the Fairview site:

- Pringle Creek Community (2005)
- Lindburg Green/Fairview Refinement Plan II (2009; Amended 2016)
- Simpson Hills (2012)
- Fairview Addition West (2014)

The application to be considered by the Planning Commission on July 9, 2019, includes a new refinement plan for a 14.07 acre portion of the Fairview Training Center site. The standards included in the proposed refinement will, pursuant to SRC Chapter 530.030, govern the future development of the 14.07 acre property.

PROPOSAL

The proposal reviewed by the Planning Commission is an application for a new refinement plan, the Fairview Woods refinement plan, affecting a 14.07 acre property located in the 4100 to 4200 blocks of Pringle Road SE and the 4200 block of Battle Creek Road SE (**Attachment A**). The proposed new refinement plan is consolidated with a request for an adjustment to reduce the minimum required size of the refinement plan from 40 acres to approximately 14.07 acres, and a subdivision to divide the land included within the refinement plan into 16 residential lots with open space.

The 16 proposed lots within the refinement plan range in size from approximately 13,499 square feet to approximately 47,096 square feet. The large size of the lots, together with their use which will generally be limited to single family dwellings and single family dwellings with accessory dwelling units, is intended to facilitate increased preservation of trees, wildlife habitat, and open space while allowing development of the property in a manner to compliment and support the surrounding Fairview Addition West refinement plan.

Vehicular access throughout the refinement plan is intended to be provided by two private streets, Braden Woods Lane and Long Loop. Upon the initial development of the subdivision these streets will connect to the existing streets within the constructed phases of the Fairview Addition West subdivision to the north. As the remaining phases of the Fairview Addition West subdivision are completed to the east and south of the subject property, additional street and alley connections will be provided between the proposed refinement plan and the Fairview Addition West refinement plan; thereby providing for an interconnected transportation system.

In addition to providing vehicular access, the proposed refinement plan also provides for pedestrian connectivity throughout the site and to the abutting Fairview Addition West refinement plan in the form of dedicated paved pedestrian paths, a natural surface path, and shared vehicle/pedestrian areas.

APPLICANT’S PLANS AND STATEMENT

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to this report as follows:

- Fairview Woods Refinement Plan: **Attachment B**
- Tentative Subdivision Plan: **Attachment C**

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

Comprehensive Plan Map: The Salem Area Comprehensive Plan designates the subject property as “Mixed Use.”

Relationship to Urban Service Area: The subject property lies outside the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration if development will proceed prior to the necessary public facilities being extended to the property and the Urban Service Area being expanded to incorporate the property.

Two UGA preliminary declarations have been approved for the Fairview property identifying the required linking public facilities for streets, water, sewer, storm water, and parks that are required to be extended to or provided on the site in order to adequately serve the property.

The first UGA preliminary declaration (Case No. UGA04-10) was approved on September 30, 2004, and applied to the 32.5 acres of the Fairview property included within the Pringle Creek Community Refinement Plan. The second UGA preliminary declaration (Case No. UGA04-08) was approved on November 15, 2004, and applied to the remainder of the Fairview property. On August 4, 2011, an amendment to UGA04-08 was approved to modifying the public facility requirements.

2. Zoning

The subject property is zoned Fairview Mixed Use (FMU). Zoning of surrounding properties includes:

Zoning of Surrounding Properties	
North	FMU (Fairview Mixed-Use)
South	FMU (Fairview Mixed-Use)
East	FMU (Fairview Mixed-Use)
West	Across Pringle Road SE and Battle Creek Road SE, RS (Single Family Residential) and RA (Residential Agriculture)

3. Neighborhood Association Comments

The subject property is located within the Morningside Neighborhood Association. Comments were received from the Morningside Neighborhood Association (**Attachment D**) prior to the July 23, 2019, continued public hearing. The comments submitted indicated support for the proposal with the following additional caveats concerning:

- Pedestrian access;
- Inclusion of provisions for maintenance of and access to open space within the HOA covenants;
- Preservation and protection of as many trees as possible with home design and construction; and
- Provision of an opportunity for the neighborhood association to review final development plans before submittal to City.

4. Public Comments

Public comments received concerning the proposal are included as **Attachment E**. Comments received express both support and opposition to the proposal. Comments received in support indicate, in summary, that:

- The Woods is a special part of the Fairview property which sits at the crest of the hill and is heavily treed. The proposed refinement plan is in the spirit of the original vision for Sustainable Fairview, even though that vision has necessarily become diluted for a number of reasons; and the refinement plan utilizes many of the sustainable principles included in the plan for Fairview Addition West for Fairview Woods.
- The proposed refinement plan offers an excellent option for use of the land with the 14 acre property being developed into 16 home sites while preserving green spaces, the majority of the current trees, and allowing for pedestrian and bike paths. In its current condition the land appears abandoned and is littered with refuse.
- The proposal and design submitted is wise use of the woods adjacent to the Fairview Addition West subdivision. The large lots and narrow private streets will

allow them to preserve as many trees as possible; and the porous pavement, bioswales, and green spaces in the plan are in keeping with the spirit and intent of Sustainable Fairview.

Comments received in opposition to the proposal express concern and opposition, in summary, based on the following issues:

A. Inadequate time to review staff report.

Comments received express concern about a lack of adequate time to review the proposed development due to the staff report not being available seven days in advance of the public hearing.

Staff Response: SRC 300.620(c) requires the staff report to be available to the public for review a minimum of seven days prior to the hearing. Due to the complexity of the proposal, additional time was needed to complete the report. As such, the report was available to the public for review six days, rather than seven days, prior to the hearing. Pursuant to State law and SRC 300.970(b), prior to the conclusion of a quasi-judicial land use proceeding which constitutes the first evidentiary hearing on the matter any party may request an opportunity to present additional evidence, arguments, or testimony regarding the proposal. Upon such request, the Review Authority shall either continue the hearing or hold the record open. Because the staff report was not available the minimum required seven days prior to the hearing, requests were received to continue and postpone the public hearing to allow for additional time to review and respond to the proposal. Pursuant to the SRC and State law, the Planning Commission voted to continue the public hearing on the proposal to **July 23, 2019, at 5:30 p.m.**, to allow for the submission of additional evidence and testimony.

B. Proposal not in keeping with Fairview Plan.

Comments received indicate that the proposal is not consistent with Goal 6 of the Fairview Plan which calls for development to respect the landscape. It is explained that the rather than working with the landscape, the proposal will diminish the wooded area described in the Fairview Plan.

Comments received explain that the Fairview Plan did not contemplate the development of The Woods area as is depicted by the “Illustrative Plan” and other maps and drawings included in the Fairview Plan which show the area as an open area without development and interconnected streets, sidewalks, and paths.

Staff Response: The Fairview Plan is comprised of the main Fairview Training Center Redevelopment Master Plan (**Attachment F**), which identifies the overall vision, goals, and policies for development of the Fairview Training Center site, and several other exhibits and attachments that inventory existing on-site resources and illustrate the conceptual redevelopment of the site.

As identified in the findings included in the July 9, 2019, Planning Commission staff report, the proposed refinement plan respects the landscape consistent with Goal 6 of the Fairview Training Center Redevelopment Master Plan and will

protect the natural, ecological, habitat, and recreational benefits and opportunities afforded by the two existing identified tree groves located on the subject property.

The refinement plan achieves this by allowing reasonable economic use of the property while at the same time preserving it's natural character, habitat, and trees by providing large lots served by sensitively sited narrow private streets, trails, and open space areas that provide benefit to not only the residents within the proposed refinement plan but the Fairview Training Center site as a whole.

The refinement plan includes open areas and trails that will connect to the surrounding Fairview Addition West refinement plan; and the narrow private streets proposed within the development will help to minimize impacts to site topography due to grading and allow for more trees to be preserved.

The proposed refinement plan includes standards for tree preservation that exceed the requirements of the City's tree preservation ordinance (SRC Chapter 808) and standards for habitat preservation and wildlife passage that go beyond any standard included in the SRC.

Proposed increased standards for tree preservation include the establishment of identified tree protection zones where 90 percent of the trees located within the zones after the subdivision is complete must be preserved. In addition, a prescribed minimum tree preservation requirement is also established for each lot after the subdivision is completed. Under this proposed standard, lots with more than 16 trees must preserve 75 percent of all existing trees on the lot and lots with 16 or fewer trees must preserve 50 percent of the existing trees on the lot. This standard allows for homes and other improvements to be reasonably constructed on the lots while maintaining minimum preservation requirements.

Proposed standards for habitat preservation and wildlife passage include a maximum 4,000 square-foot size limit on the amount of enclosed yard space allowed on a lot and requirements to provide openings in fences and walls to allow wildlife passage.

The proposed development strategies embodied in the refinement plan will help to ensure that the development will work with and respect the landscape as required under the Fairview Plan and help to integrate it into the surrounding area.

The proposed refinement plan is also consistent with the various other exhibits and attachments included in the Fairview Plan. The "Illustrative Plan" shown on page 6 of the Fairview Training Center Redevelopment Master Plan, and the corresponding off-street pathway and open space plan (**Attachment G**), mobility plan, and street network plan are all conceptual in nature and not intended to prescribe exactly how property within the Fairview site would be developed.

As comments provided indicate, the Pringle Creek Community refinement plan bears the closest resemblance, with some differences, to the development pattern shown on the Illustrative Plan of the Fairview Plan. Subsequent other refinement plans have deviated to varying degrees from the Illustrative Plan based on the

applicant's envisioned use and more detailed engineering and site analysis performed for those specific refinement plan areas. Regardless of how much a refinement plan deviates from the conceptual layout shown on the Illustrative Plan, all refinement plans, however, must still be consistent with the goals and policies of the Fairview Plan.

In comparison of the Illustrative Plan included in the Fairview Plan with the layout of the proposed refinement plan, the Illustrative Plan identifies approximately 25 structures which are assumed to be single family dwellings or potentially single family dwellings with accessory dwelling units (ADUs) that would be located on the eastern third of the subject property. Instead of concentrating this development on the eastern portion of the property, the proposed refinement plan distributes it throughout the site on larger lots together with identified areas of open space. Because of the larger proposed lot sizes, trees and existing site features can be preserved consistent with the goals and policies of the Fairview Plan.

C. Loss of trees within proposed refinement plan area.

Comments received express concern about the impact the proposed development will have on the preservation of trees on the subject property. It is explained that the trees on the property are identified under the Fairview Plan's natural resources inventory as being part of two groves that are to be protected and enhanced as neighborhood park/community protected open space and wildlife habitat and ecological buffer.

Comments received indicate that the proposed refinement plan identifies 115 trees for preservation but doesn't directly acknowledge that additional trees will need to be removed to make space for the footprint of each house, for driveways, and auxiliary buildings.

Staff Response: As indicated in the July 9, 2019, Planning Commission staff report, the applicant submitted a tree conservation plan in conjunction with the proposed refinement plan and subdivision identifying a total of 738 trees on the property, 66 of which are significant oaks. There are no heritage trees or riparian corridor trees and vegetation on the property.

Of the 738 total trees existing on the property, the proposed tree conservation plan identifies 623 trees for preservation and 115 trees for removal. Of the 115 trees proposed for removal, four are significant oaks located in the proposed alignment of Braden Woods Lane where it crosses through the site along the frontages of proposed Lots 2 and 3. It is explained under Section 8 of the refinement plan that due to required road grades, horizontal curves, and connectivity requirements for Braden Lane there is little latitude to avoid removal of these four trees.

The proposed tree conservation plan preserves 84 percent of the existing trees on the property. Section 8 of the refinement plan identifies the possibility that an additional 156 trees may need to be selectively removed from the property, therefore reducing the number of trees preserved from 623 to 467. It is explained that no significant oaks would be included in the additional trees that may be removed.

Any proposed future changes to the approved tree conservation plan will require approval of a separate tree conservation plan adjustment. The potential removal of 156 additional trees from the property would result in 63.3 percent of the trees being preserved, which still greatly exceeds the minimum 25% preservation requirement of SRC Chapter 808.

D. Loss of open community natural open space.

Comments received express concern that the proposed refinement plan will result in The Woods area of the Fairview site being developed as private property which will remove this natural resource the community enjoys.

Comments received also indicate that it appears the driving force for development of the property into a subdivision of single family residences on large lots is the desire of the owners to sell the property and maximize the return on their investment. It is explained that there are good reasons, however, that the Fairview Training Center master plan does not depict developing the property as a housing subdivision due to Goal No. 6 of the plan (Respect the Landscape), which provides that large existing forest blocks and wetlands are to be preserved and expanded over time.

Comments received explain that this area of the site is important for its mature tree stands, native plant species, and natural open space benefits it provides, including a place for children to explore and experience the joy of discovery through unsupervised and unstructured play.

It is recommended that the property owners should be encouraged to find an organization willing to partner with the City of Salem to preserve this existing natural area as open space as specified in SRC Chapter 530 if they are unable or unwilling to do so themselves.

Staff Response: Though The Woods area of the Fairview site is not developed, it is currently private property under separate ownership from the Fairview Addition West development and is therefore not officially allowed to be used for recreational purposes.

The proposed refinement plan, however, will allow for the property to be developed while preserving open space, habitat, and trees, and providing designated open areas and trails to allow for recreation and pedestrian connectivity throughout the site.

E. Refinement plan size should not be reduced unless it's included in the Fairview Addition West development.

Comments received indicate that the proposed reduction to the minimum required refinement plan size should not be approved because it represents less than half of the required minimum 40 acre size. It is explained, however, that if the reduction is approved, the proposed Fairview Woods refinement plan should be integrated into the Fairview Addition West refinement plan and constructed only after the final phase of the Fairview Addition West development has been completed.

Staff Response: As indicated in the July 9, 2019, Planning Commission staff report, the requested adjustment to the minimum 40 acre refinement plan size satisfies the applicable approval criteria for a Class 2 Adjustment because the proposed Fairview Woods refinement plan is completely surrounded by the Fairview Addition West refinement plan and both refinement plans are being developed by the same applicant, share the same underlying development principles and concepts, and are physically integrated in term of access and open space.

Though the two refinement plans will be essentially be integrated to function as one development, there is no requirement or need, however, for the Fairview Woods refinement plan to be incorporated into the Fairview Addition West refinement plan. The Fairview Woods refinement plan is not dependent upon the completion of the Fairview Addition West subdivision in order to function safely without impacts on abutting property.

F. Minimum required 20 acres of natural open space.

Comments received indicate that the proposal does not conform to the requirements of the FMU zone or the Fairview Plan because SRC 530.045(b) requires a minimum of 20 acres of land within the FMU zone to be reserved as natural open space. It is explained that because the Woods is the area proposed as natural open space, the proposed development is contrary to this standard.

Staff Response: As indicated in the comment provided, SRC 530.045(b) requires a minimum of 20 acres of land within the FMU zone to be reserved as natural open space. This standard applies to the entire FMU zoned area and does not specifically identify where the natural open space must be located. As staff presented at the July 23, 2019, continued hearing, the amount of natural open space areas currently identified in existing approved refinement plans, together with those natural areas that will be required in conjunction with refinement plans for the remaining areas of the Fairview site, will ensure that a minimum of 20 acres of natural open space area is provided within the FMU zone as required by this standard.

G. Grading and tree removal within adjacent Fairview Addition West Subdivision.

Comments received expressed concern about grading and tree removal recently conducted within the Fairview Addition West development to the south of the subject property. Comments received indicate that this portion of the adjacent Fairview Addition West property was clear cut of trees so that the “Oak Grove” identified in the Fairview Addition West refinement plan suddenly disappeared overnight.

Comments received also expressed concern that with the grading of this adjacent portion of the Fairview Addition West site, the development of the Fairview Addition West subdivision was occurring out of the approved phasing sequence of the development.

Staff Response: As indicated in the public comments received, grading activity was recently conducted on adjacent land to the south of the subject property within the Fairview Addition West subdivision. The grading was previously approved and required in order to remove contaminated soil from the affected portion of the Fairview Addition West property in order to allow for its future development. After visiting the site and reviewing the approved grading permit and the approved tree conservation plan for the Fairview Addition West subdivision, staff has determined that no trees designated for preservation under the approved tree conservation plan have been removed.

The grading activity also does not indicate that development of the Fairview Addition West subdivision is occurring out of sequence with the approved phasing plan. As indicated, the grading which was conducted was done only for the purpose of removing contaminated soils resulting from the former orchards on the site and not done in order to prepare the site for imminent subdivision development. The future development of this portion of the Fairview Addition West site must still proceed according to the approved phasing plan.

5. City Department Comments

- A. The Building and Safety Division reviewed the proposal and indicated they have no comments.
- B. The Salem Fire Department reviewed the proposal and indicated that Fire department access and turnarounds are provided, but no fire hydrants are shown. The Fire Department indicates that fire hydrants are required to be located within 600 feet of all portions of the dwelling units. The Fire Department also indicates that fire flow for the dwellings will be determined at the time of building permit plan review.
- C. The Public Works Department reviewed the proposal and provided comments regarding street and City utility improvements required to serve the development and recommended conditions of approval to ensure conformance with the applicable requirements of the SRC. Comments from the Public Works Department are included as **Attachment H**.

6. Public Agency & Private Service Provider Comments

Notice of the proposal was provided to public agencies and to public & private service providers. On July 9, 2019, comments were received from the Salem-Keizer School District. The School District comments are included as **Attachment I**.

ANALYSIS & FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR REFINEMENT PLAN

7. ANALYSIS OF REFINEMENT PLAN

A. Refinement Plan Analysis

SRC Chapter 530 establishes the general requirements, standards, and review process development within the Fairview Mixed-Use zone must follow.

Pursuant to SRC 530.030(d), refinement plans are required to contain the following elements:

- (1) An Illustrative site plan;
- (2) An identification of those land uses allowed under SRC 530.040 that are proposed to be allowed in the Refinement Plan area;
- (3) A general allocation and identification of major proposed land uses, including residential by density range, non-residential, open space, and recreational land uses;
- (4) The name, location, and width of existing streets located within the Refinement Plan area;
- (5) The name, location, and width of proposed streets located within the Refinement Plan area;
- (6) Typical street cross-sections;
- (7) Detailed standards governing development within the Refinement Plan area, such as performance standards and standards for development densities, building and accessory structure height, floor area and FAR, open space, lot area and lot coverage, parking, landscaping, and other site improvements;
- (8) Standards for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation, and wildlife;
- (9) An identification and inventory of all wetland and riparian resources and all intermittent and perennial waterways;
- (10) An identification and inventory of all trees regulated under SRC Chapter 808;
- (11) Where applicable, the proposed methods of protection or conservation of natural features, historic structures, and view sheds;
- (12) Proposed method for the perpetual maintenance of any common open space and common facilities;
- (13) Standards and responsibilities for maintenance of infrastructure and whether the infrastructure is to be public or private;
- (14) Standards for phasing and construction of streets proposed within the Refinement Plan area, or needed for servicing the area, as identified in the required studies submitted with the Refinement Plan;
- (15) Location and extent of proposed provision for sewage disposal, effluent use, stormwater drainage, and utilities;
- (16) Standards for the phasing and construction of sewage disposal, effluent use, stormwater drainage, solid waste disposal, and public utilities, as identified in the required studies submitted with the Refinement Plan;
- (17) A phasing plan for the following, as applicable:
 - (A) The preservation of site features established by the Fairview Plan;
 - (B) The development of the Refinement Plan area; and
 - (C) The construction, dedication, and provision of infrastructure and public services;
- (18) A draft form of financial assurances to be recorded prior to Refinement Plan approval;
- (19) A detailed explanation of how and to what extent the Refinement Plan is to supplement or supersede City standards;
- (20) Standards for the interpretation of the Refinement Plan regulations and requirements;
- (21) Development design guidelines and applicable approval process;
- (22) General landscape plan;
- (23) General drainage plan;

- (24) An update to the traffic impact analysis (TIA) approved for the Fairview Plan that includes trip generation factors for various modes, estimated trips per day by land use, proposed vehicular access and circulation plan, and traffic impacts by mode on adjacent development;
- (25) Impacts on existing structures and other development;
- (26) Impacts on existing infrastructure and public services; and
- (27) Location of any buildings, structures, sites, objects, or known archeological sites identified in the Fairview Plan inventory of buildings, structures, sites, objects, or known archeological sites which possess the criteria for historic resource designation under SRC Chapter 230, or which have been designated as “historically significant” in the Fairview Plan inventory pursuant to SRC 530.020(c)(5)(M).

The applicant’s proposed refinement plan, Fairview Woods, is included as **Attachment B**. The portion of the Fairview site included within the proposed refinement plan is approximately 14.07 acres in size and has frontage on Pringle Road SE and Battle Creek Road SE along its western boundary (**Attachment A**). The remainder of the proposed refinement plan is bordered by the Fairview Addition West refinement plan to the north, east, and south.

❖ **Overlay Areas (SRC 530.010)**

SRC 530.010 establishes the following four overlay areas that are applied to the Fairview site and generally intended to control development within the FMU zone:

- **Low-Intensity Residential (LI):** The Low-Intensity Residential area comprises Single Family activities in detached housing types sited on separate lots with private yards and street and/or alley access. Non-residential uses, except for a few limited exceptions, are prohibited.
- **Mixed-Intensity (MI):** The Mixed-Intensity area comprises primarily residential uses, along with a mix of small-scale neighborhood commercial, employment, and public services uses. Buildings will be a mix of one-story to three-story detached, attached, or stacked housing types sited on smaller individually-owned lots with private yards and street and/or alley access, or larger lots under multiple or separate ownership with shared street and/or alley access. Townhouse development is appropriate at the higher density range.
- **Adaptive Use (AU):** The Adaptive Use area is intended to comprise the highest concentration of existing buildings and historic development patterns. Residential and non-residential development within this area may occur within existing structures that have been rehabilitated or within new structures.
- **Village Center (VC):** The Village Center area comprises the most intense and pedestrian-oriented residential, commercial, employment, and public services uses. Residential uses will have densities of no less than 16 dwelling units per net acre. Non-residential uses include a mix of large and small scale commercial establishments, which cumulatively will be limited to

not more than approximately 80,000 square feet of pedestrian-oriented retail. Office uses are encouraged.

Two of the overlay areas identified above, the MI area and the LI area, are included within the proposed refinement plan. The majority of the land within the refinement plan is located within the MI area while the western portion of the property abutting Pringle Road and Battle Creek Road lies within the LI area. A breakdown, by acreage, of the amount of land within the refinement plan include in both of these overlay areas is provided in the table below.

Overlay Area	Total Acreage	Percentage of Total Refinement Plan Area
Mixed Intensity (MI)	10.75	76.5%
Low Intensity (LI)	3.31	23.5%

❖ **Uses (SRC 530.040)**

SRC 530.040 establishes a master list of uses that may be allowed in the four different overlay areas of the FMU zone. SRC 530.030(d)(2) requires refinement plans to identify those land uses allowed under SRC 530.040 that are proposed to be allowed in the refinement plan area.

The land uses proposed to be allowed within the refinement plan are identified under Section 5 (Permitted Land Uses) of the plan. Within both the MI and LI areas the refinement plan indicates that uses will include single family dwellings and single family dwellings with accessory dwelling units (ADUs). As identified in the proposed permitted use table in the refinement plan (Table 2 – Allowed Uses in Fairview Woods), live-work/home occupations are also allowed in conjunction with single family dwellings, and a limited variety of compatible/community service uses are allowed such as short-term rentals (e.g. Airbnb), child day care homes, parks and open space, commercial entertainment outdoor activities in open space areas, and limited agriculture uses such as growing of crops and keeping of chickens.

❖ **Development Standards for Uses and Activities Falling Under Household Living (SRC 530.050)**

SRC 530.050 requires that when uses and activities falling under the Household Living use category are proposed within a refinement plan, such uses and activities shall be subject to either the development standards set forth in this section or the development standards established in the refinement plan.

The proposed refinement plan includes uses and activities falling under the Household Living use category. Pursuant to SRC 530.050, the refinement plan proposes to establish its own standards for Household Living uses, rather than utilizing those established under SRC 530.050.

Development standards for the proposed refinement plan are included in Section 6 (Development Standards for FMU Zones) of the plan.

❖ **Public School Siting (SRC 530.055)**

SRC 530.055 establishes requirements for coordination in the planning and siting of potential new schools within the FMU zone. Notice is required to be provided to the School District and if a school is proposed for the property its location must address the school siting factors included under SRC 530.055(b).

The Salem-Keizer School District was notified of the proposed refinement plan. Comments provided by the Salem-Keizer School District (**Attachment I**) did not identify the need for a school on the subject property.

❖ **Historic Preservation (SRC 530.060)**

SRC 530.060 requires any structure existing on December 24, 2003, identified for demolition shall, prior to issuance of a demolition permit, be documented according to the survey and inventory practices set forth by the Oregon State Historical Preservation Office.

The portion of the Fairview site included within the proposed refinement plan did include, at one time, a few residential structures that have since been removed from the property. These structures were included in the original inventory of existing buildings and structures conducted as part of the Fairview Plan and identified on the Fairview Plan building reuse plan as, “Deconstruction: Primary for Deconstruction with the Option for Reuse.” In addition, none of these structures were listed in the Fairview Training Center Historic Analysis and Inventory as potential historic contributing structures to a potential historic district.

Because these structures existed on December 24, 2003, they were subject to the documentation requirements of SRC 530.060 prior to demolition. In 2009, the required documentation of these and other structures on the Fairview Site was completed and submitted to the City and the State Historic Preservation Office (SHPO) as required under SRC 530.060.

❖ **Natural Resource Guidelines (SRC 530.065)**

The FMU Zone recognizes the importance of the presence of natural resources on the site and how those resources help to define the special character of the property. As such, SRC Chapter 530.065 establishes natural resource guidelines to address their preservation. The Fairview Plan, any subsequent refinement plan, and any development within the FMU Zone shall identify how existing natural resources will be protected and how natural hazards will be mitigated through compliance with the following:

- (1) SRC Chapter 808 (Preservation of Trees and Vegetation)
- (2) SRC Chapter 809 (Wetlands)

(3) SRC Chapter 810 (Landslide Hazards)

Trees: Section 8 (Wetland and Tree Inventory) of the refinement plan establishes the applicant's proposed tree preservation strategy for the development. An inventory of the existing trees on the subject property is included in Appendix A of the plan.

As identified on the tree inventory and illustrated on Figure 5 (Archeological Inventory/Tree Conservation Plan) of the refinement plan there are trees located throughout the subject property, most of which are evergreen pines and firs, and deciduous varieties including oaks and walnuts.

The City's tree preservation ordinance (SRC Chapter 808) regulates the removal of trees within the city. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 25 percent of the remaining trees on the property. If less than 25 percent of the existing trees on the property are proposed for preservation, the applicant must show that only those trees reasonably necessary to accommodate the development are designated for removal. If significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

The applicant has submitted a tree conservation plan in conjunction with the proposed refinement plan and subdivision identifying a total of 738 trees on the property, 66 of which are significant oaks. There are no heritage trees or riparian corridor trees and vegetation on the property.

Of the 738 total trees existing on the property, the proposed tree conservation plan identifies 623 trees for preservation and 115 trees for removal. Of the 115 trees proposed for removal, four are significant oaks located in the proposed alignment of Braden Woods Lane where it crosses through the site along the frontages of proposed Lots 2 and 3. It is explained under Section 8 of the refinement plan that due to required road grades, horizontal curves, and connectivity requirements for Braden Lane there is little latitude to avoid removal of these four trees.

The proposed tree conservation plan preserves 84 percent of the existing trees on the property. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy.

Section 8 of the refinement plan identifies the possibility that an additional 156 trees may need to be selectively removed from the property, therefore reducing

the number of trees preserved from 623 to 467. It is explained that no significant oaks would be included in the additional trees that may be removed.

Any proposed future changes to the approved tree conservation plan will require approval of a separate tree conservation plan adjustment. The potential removal of 156 additional trees from the property would result in 63.3 percent of the trees being preserved, which still maintains conformance with the preservation requirements of SRC Chapter 808.

Wetlands: According to the Salem-Keizer Local Wetland Inventory (LWI), the Natural Resources Inventory included as part of the Fairview Plan, and as explained in Section 8 (Wetland and Tree Inventory) of the refinement plan, there are no existing identified wetland areas within the proposed refinement plan.

Landslide Susceptibility: The topography of the site generally rises upward from the northwest and the southeast to form a hill top in the eastern portion of the site.

SRC Chapter 810 (Landslide Hazards) establishes mitigation requirements for the development of land within areas of identified landslide hazard susceptibility. This is done primarily through establishing the sum of landslide hazard points (a combination of the mapped landslide hazard points and those points associated with the type of proposed development) in order to determine what mitigation, if any, is required to ensure safe development.

According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 2 to 3 landslide hazard susceptibility points. There are 3 activity points associated with the proposed subdivision. The cumulative total of 5 to 6 points indicates a moderate landslide hazard risk. Pursuant to SRC Chapter 810, a geologic assessment is therefore required for development of the subject property.

The applicant submitted a geologic assessment for the proposed development that is included as Appendix F of the refinement plan.

Pursuant to SRC 530.065(b), refinement plans shall also consider the following:

- (1) The preservation of natural drainage patterns of the site;
- (2) The existence and use of native plant species, where appropriate;
- (3) The integrity of mature stands of trees that are in good health;
- (4) The minimization of the amount of impervious surfaces near all waterways; and
- (5) Significant wildlife habitat.

In order to address these additional guidelines, the proposed refinement plan includes a number of elements that identify, inventory, and set goals and policies pertaining to the above identified resources that can be found on pages 25-31 of the plan. The refinement plan minimize impacts from the development on the natural site features identified in the Fairview Plan through

substantial preservation of existing trees, provision of large lot sizes and open space, and sensitively arranging the proposed development in a manner that will work with the surrounding ecosystems by preserving natural sites for recreational use, wildlife habitats, and stormwater drainage.

In order to maintain the integrity of the mature stands of trees on the property, the refinement plan establishes specific tree protection zones along Pringle/Battle Creek Road, and along the western property line of the site where it abuts the Fairview Addition West refinement plan. Within these tree protection zones a minimum of 90 percent of the trees shall be preserved; therefore providing for the long-term preservation of the trees within these areas.

The refinement plan also minimizes impact to wildlife habitat by providing large lot sizes and open space and establishing development standards under Section 7 that limit the amount of enclosed yard space on the proposed lots and require fencing to include openings for wildlife passage.

❖ **Transportation Planning**

SRC 530.070 requires refinement plans to identify whether the plan significantly affects a transportation facility by:

- (1) Changing the level of service of an existing or planned transportation facility;
- (2) Changing standards implementing the street classification system;
- (3) Allowing types or levels of land uses which would result in levels of travel or access which are inconsistent with the level of service of a transportation facility; or
- (4) Reducing the level of service of the facility below the minimum acceptable level identified in the City of Salem Transportation System Plan.

The proposed development will not significantly affect a transportation facility. As required under SRC 530.020(c)(4), a Traffic Impact Analysis (TIA) was submitted to, and approved by, the Public Works Department with the approval of the Fairview Plan. The TIA identifies traffic impacts and necessary mitigation measures to accommodate the proposed development of the entire Fairview site and ensure that existing transportation facilities are not significantly affected.

SRC 530.030(d)(24) requires refinements plans include an update to the TIA approved for the Fairview Plan. The required TIA update has been submitted to the Public Works Department. The updated TIA is included as Appendix D of the refinement plan.

The TIA update submitted with the refinement plan predicts that approximately 135 net new average daily vehicle trips will be generated by the proposed development. These trips, together with the predicated number of trips generated from previous phases of the development, result in a total of 11,405 trips for the entire Fairview site thus far.

The original Fairview Plan TIA predicted a total of approximately 17,070 net new average daily vehicle trips when all 275 acres of the site are developed. The TIA update submitted with the refinement plan shows that the anticipated traffic from the proposed development fits into the framework set by the Fairview Plan and associated Infrastructure agreement.

B. REFINEMENT PLAN APPROVAL CRITERIA

SRC Chapter 530.030(e) establishes the following approval criteria which must be met in order for a refinement plan to be approved. The following subsections are organized with the approval criteria shown in ***bold italic***, followed by findings evaluating the refinement plan's conformance with the criteria.

(1) The Refinement Plan is consistent with the Fairview Plan.

Finding: The Fairview Plan establishes the following principles for development within the FMU zone:

SUSTAINABLE LAND USE PRINCIPLES OF THE PLAN

- 1. Build in Economic and Social Diversity.*** *The plan includes housing units for a minimum of 1,600 families. There will be homes for all types of people: efficiency units appropriate for elderly and singles; rental suites available to low-wage working families; spacious homes for people of means; clustered homes for communities of interest. To the maximum extent possible, these units will be mixed so that every block will have homes for different types of people at different stages of their lives and earning potentials.*

Finding: The proposed refinement plan is consistent with this principle by promoting the integration of populations with diverse economic and social standards. This is achieved by allowing this portion of the site to fulfill an upper-end housing option while at the same time allowing for smaller accessory dwelling units on lots as well to provide for housing, economic and social diversity. Instead of seclusion of the proposed development from the surrounding neighborhoods, the design of the refinement plan encourages pedestrian and vehicular connection between both the Fairview Woods and the Fairview Addition West refinement plan; thereby providing amenities for both developments while extending opportunity to the larger community. The proposed refinement plan is consistent this principle.

- 2. Create a Center.*** *The topography of the Fairview site is unique. It is like an upturned right hand, with the palm in the center and five fingers spreading up and out toward the edges of the site. The plan capitalizes on natural conditions. Since the human and natural flows of the site converge in the hollow "palm" of the site, a new center is envisioned there. This center will be the focus of the most intense urban activity, and it will also be the place with the most dramatic green spaces. Several "central parks" will include manicured play fields that are surrounded by*

naturalized zones to collect, mitigate and celebrate occasional rainwater flows from the upper portions of the community.

Finding: The new ‘Center’ envisioned in the Fairview Plan consists of the Village Center (VC) area of the FMU zone. No portion of the Fairview site included within the proposed refinement plan is located within the Village Center area and this portion of the property was never intended to serve as the location for the identified center. This principle is not applicable to the proposed refinement plan.

3. **Re-use, retrofit.** *The Fairview site has a large inventory of existing structures. SFA intends to adapt and reuse as many existing buildings as possible, particularly older buildings that presently form the “crescent”. Buildings are not the only asset to be reused and retrofitted. Existing infrastructure, particularly the existing water system, may be an appropriate candidate for re-use and expansion, reducing the strain on the municipal system, and providing a more distributed green infrastructure.*

Finding: The refinement plan area does not include any of the buildings identified as priority candidates for potential re-use in the ‘crescent.’”

The portion of the Fairview site included within the proposed refinement plan did include, however, at one time, a few residential structures that have since been removed from the property. These structures were included in the original inventory of existing buildings and structures conducted as part of the Fairview Plan and identified on the Fairview Plan building reuse plan as, “Deconstruction: Primary for Deconstruction with the Option for Reuse.” These structures were also never listed in the Fairview Training Center Historic Analysis and Inventory as potential historic contributing structures to a potential historic district.

Because there are no existing structures on the property or viable existing infrastructure that is available for reuse, this principle is not applicable to the proposed refinement plan.

4. **Create Local Employment.** *Many of the existing buildings are suitable for conversion to business and light industrial uses. New buildings in the center will also provide office and commercial employment opportunities. Ultimately the objective is to provide one job per household. This does not imply that all residents will work at FTCCR, but many may. Combined with home occupations, allowed by right, these employment opportunities will reduce off-site transportation impacts.*

Finding: The greatest concentration of existing buildings envisioned for conversion to business and light industrial uses are located in the AU (Adaptive Use) and VC (Village Center) areas of the site. The proposed refinement plan includes no AU or VC areas that would allow the commercial employment opportunities envisioned by this principle. There

are also no existing buildings on the site that would have been suitable for conversion to employment use had that type of use been allowed.

Because the majority of the refinement plan area is located within the MI (Mixed-Intensity) area, the focus of development in this area is primarily residential uses, along with a mix of small-scale neighborhood commercial, employment, and public services uses. The proposed refinement plan, which allows for home occupations and live-work units, is consistent with the vision for small-scale neighborhood commercial uses in the MI area and will help to contribute to the creation of local employment. The proposed refinement plan is consistent with this principle.

5. ***Build Innovative Green Buildings.*** *The site provides ample opportunities for green building innovation. While SFA will not itself develop all buildings on the site, it is committed to setting minimum energy standards and to seeking cost-effective ways to reduce the resources and energy required by all new and retrofitted buildings.*

Finding: The refinement plan indicates that construction of innovative green buildings will be achieved through satisfying the following fundamentals of sustainability: good environmental and aesthetic design through preservation of existing landscape and walkability.

The refinement plan will promote innovative green buildings through the development's proposed Green Addition program which requires each home constructed within the development to include an additional investment beyond normal City requirements of one percent of the total cost of the structure for one of the following areas of green building:

- Energy efficiency (e.g. insulation, LED light, energy efficient appliances)
- Water quality (e.g. rain gardens, rooftop gardens, gray water reuse)
- Green energy sources (e.g. Renewable Energy Certificates (RECs), carbon offsets, solar panels)
- Improved water conservation (e.g. gray water reuse, low flow fixtures, drought tolerant landscaping)
- Automobile charging stations
- Other experimental green building methods (e.g. new technologies not yet in the marketplace)

Through fostering good environmental and aesthetic design, promoting walkability, and requiring buildings to include a percentage of the total cost of the structure towards green building methods, the proposed refinement plan will promote opportunities for green building innovation. The proposed refinement plan is consistent with this principle.

SUSTAINABLE ECOLOGICAL SYSTEMS PRINCIPLES OF THE PLAN

6. **Respect the Landscape.** *The FTGR plan works with, not against, the existing landscape. The natural slopes on the site are preserved for recreational use, for habitat, and for storm water flow. These slopes lead to the Village Green, which is both the ecological and the social heart of the community. Large existing wetlands and forest blocks are preserved, and, will be expanded over time.*

Finding: In addition to the above identified principle, the natural resources inventory of the Fairview Plan identifies the subject property as being comprised of two mature groves of trees. One of the groves occupies the western portion of the subject property and is described as an area characterized by scrub oak and native species that will be protected for its ability to serve as wildlife habitat and provide an ecological buffer. The other grove is located on the eastern portion of the subject property and is described as an area consisting of mature firs to be protected and enhanced as a neighborhood park or community protected open space.

The proposed refinement plan respects the landscape consistent with this identified Fairview Plan principle and will protect the natural, ecological, habitat, and recreational benefits and opportunities afforded by the two existing identified tree groves by allowing reasonable economic use of the property while at the same time preserving it's natural character, habitat, and trees by providing large lots served by sensitively sited narrow private streets, trails, and open space areas that provide benefit to not only the residents within the proposed refinement plan but the Fairview Training Center site as a whole.

The refinement plan includes open areas and trails that will connect to the surrounding Fairview Addition West refinement plan and the narrow private streets proposed within the development will help to minimize impacts to site topography due to grading and allow for more trees to be preserved.

The proposed refinement plan also includes increased standards for tree preservation beyond the requirements of the City's tree preservation ordinance (SRC Chapter 808). One of these additional requirements is the establishment of identified tree protection zones where 90 percent of the trees located within the zones after the subdivision is complete are required to be preserved. The tree protection zones are identified on Figure 5 (Archeological Inventory/Tree Conservation Plan) of the refinement plan. On Figure 5, it is indicated that 95 percent of the trees within the tree protection zones are required for preservation. The 95 percent requirement, however, conflicts with the 90 percent preservation requirement established on Page 25 of the refinement plan where the actual specific requirement for the additional proposed tree preservation is established. In order to eliminate this conflict within the proposed refinement plan the following condition of approval shall apply:

Condition 1: Figure 5 (Archeological Inventory/Tree Conservation Plan) of the refinement plan shall be revised to indicate a 90 percent preservation requirement within the identified tree protection zones.

The proposed refinement plan, as conditioned, is consistent with this principle.

7. **Zero Impact to the Regional Watershed.** *The FTCT plan works with the natural capacities of the site, particularly in respects to water flow. Low cost and reduced cost infrastructure for parcels, road, and public green spaces will allow this new community to exert zero impact on the regional watershed and will improve, rather than degrade, the habitat of Pringle Creek.*

Finding: In an effort to work with the natural capacities of the site, the refinement plan will incorporate low-impact, rainwater retention mechanisms to maintain a more natural drainage rate and filtrate toxins from rainwater. Bio swales, stormwater planters, drywells, rain gardens, and pervious asphalts will ensure a system that works with the natural capabilities of the site and allow for improvement, not degradation of the watershed. The proposed refinement plan is consistent with this principle.

8. **Layer the Systems.** *FTCT is designed to integrate systems at all levels and across all categories. For example, business and commerce will be integrated with residential uses to create complete communities. Storm water mitigation strategies will be integrated with recreational, habitat and transportation uses. The integrated green infrastructure system will provide the framework for other sustainable site systems, such a district heat and potentially distributed ecological sanitary systems.*

Finding: Systems across all levels and categories will be integrated into the refinement plan. The refinement integrates stormwater management strategies into the proposed streets and open space/recreation areas in order to promote maximum synergy. The proposed refinement plan is consistent with the principle.

9. **Close the Cycle of Energy and Material Flows.** *The systems described above will tighten the cycle of resources flows on the site. Rainwater that falls on the site will recharge the aquifer below, freshening and supplying the drinking water wells with clean water. Green wastes from the site will be composted and returned to enhance forest growth. Ideally, waste heat from commercial activities will be used to heat residential units in the same building or the same block. Geothermal energy from the ground may provide a practical means to reduce building operating costs. SFA also hopes to institute a state-of-the-art community recycling and composting facility.*

Finding: As discussed previously, the open space areas on the site, together with the proposed stormwater drainage systems, will allow for water to infiltrate natural aquifers as envisioned in the Fairview Plan. The proposed refinement plan is consistent with this principle.

SUSTAINABLE TRANSPORTATION AND MOVEMENT PRINCIPLES EMBODIED IN THE PLAN

10. Green Corridors for People and Other Living Things. *Wide green corridors with direct connection to hundreds of front doors and porches are a signature feature of the new FTGR. Broad green swaths include a complex layering of habitat, drainage ways, community garden sites, play areas, walking and bike trails, and narrow, low speed vehicle ways.*

Finding: The applicant indicates that the proposed refinement plan combines housing, green space, and corridors for both people and other living things. As an example, the green corridor from Pringle Creek Community to the Fairview Addition West Amphitheater connects to the proposed refinement plan at the hilltop area of the proposed Oak Park. In addition, other connections are included through the site to allow movement for both people and wildlife. The proposed refinement plan is consistent with this principle.

11. Transit Close at Hand. *SFA is committed to the value of public transit as a fundamental of a more sustainable Fairview and a more sustainable Salem region. This commitment is epitomized by the inclusion of a “Main Street” that crosses the site from north to south. All homes will be within a 6-minute walk of this central spine. The street axis has been aligned in such a way as to be compatible with a future streetcar or BRT (bus rapid transit), should such a system ever be developed in Salem. SFA hopes that regional transit authorities will provide frequent bus connections between the village center and region.*

Finding: The applicant indicates that an underlying principle of the proposed refinement plan is to offer a realistic alternative to the personal automobile, which starts with walkability. The applicant explains that the aesthetics of a walk is fundamental in enhancing and encouraging pedestrian activities, especially when transit is often a 5 to 10 minute or more walk away.

The nearest transit service currently available to the property is provided via Salem-Keizer Transit District Route 6 (Fairview Industrial) on Fairview Industrial Drive SE. While this transit route is quite some distance from the subject property and does not currently meet the goal of the Fairview Plan to have all homes within a six minute walk of public transit, the layout of the proposed refinement plan and the other approved refinement plans will facilitate convenient access to transit if transit services are eventually extended in the future into the property via “Main Street” as envisioned in the Fairview Plan.

The language in the refinement plan included on page 10 (under the section on “Transit Close at Hand”) currently identifies Salem-Keizer Transit Route 6 as providing service to the property along Pringle Road SE and Battle Creek Road SE. However, as identified above, Route 6 instead provides transit service on Fairview Industrial Drive SE. In order to correct this language in the refinement plan, the following condition of approval shall apply:

Condition 2: The “Transit Close at Hand” section of the refinement plan on page 10 shall be revised to eliminate the language referring to transit service being provided to the development via Salem-Keizer Transit Route 6 on Pringle Road SE and Battle Creek Road SE.

12. An Interconnected Street System. *FTCR’s “Main Street” will be connected to the rest of the site by an interconnected web of streets. The lack of cul-de-sac streets ensures that all trips are made by the shortest possible route and that major streets are not overburdened with congestion. The interconnected pattern extends out to the edges of the site, insuring a high degree of connection to surrounding neighborhoods. In this way, FTCR avoids the tendency toward “gated community” planning and provides, instead, a prototype for integration with surrounding areas. This pattern, in concert with the complete community pattern where everyday needs (school, shops, employment, transit) are close at hand, will minimize auto dependence and lead to reduced driving by residents.*

Finding: The proposed refinement plan provides an interconnected system of streets to serve the development. There are two internal private streets included within the refinement plan, Braden Woods Lane and Long Loop. As shown in Section 3 (*Name, Location, and Extent of Existing or Proposed Major Streets*) of the proposed refinement plan, both Braden Woods Lane and Long Loop are designed to connect to existing and proposed streets and alleys within the Fairview Additional West Refinement Plan; thereby ensuring the provision of an interconnected web of streets as envisioned by this Fairview plan principle.

Because Braden Lane in the Fairview Addition West subdivision is a public street and Braden Woods Lane in the proposed Fairview Woods refinement plan is a private street, a transition between the public and private streets is required. In the Fairview Addition West subdivision, such a transition between the public and private streets was provided in the form of a modified cul-de-sac that allowed for flow through traffic. The proposed refinement plan includes the same cul-de-sac design to transition between Braden Woods Lane within the refinement plan and Braden Lane within the Fairview Addition West subdivision to the north and south of the subject property.

The modified cul-de-sac transition for the northern end of Braden Woods Lane is currently shown as being located within the proposed refinement

plan on the subject property. The modified cul-de-sac transition for the southern end of Braden Woods Lane, however, is currently shown as being located outside the boundaries of the refinement plan within the Fairview Addition West subdivision. Originally staff had recommended the following condition or approval in order to ensure that the location of the proposed modified cul-de-sac transition at the south end of Braden Woods Lane would be located on the subject property within the refinement plan consistent with the location of the transition at the north end of Braden Woods Lane:

Condition 3: All figure drawings included within the refinement plan that show the modified cul-de-sac transition between the southern end of Braden Woods Lane and Braden Lane as being located outside the subject within the adjacent Fairview Addition West subdivision shall be revised to instead show the modified cul-de-sac transition as being located on the subject property within the boundary of the refinement plan consistent with the corresponding transition provided at the northern end of Braden Woods Lane.

Prior to the July 9, 2019, public hearing, however, comments were provided by the applicant objecting to the proposed condition and on July 15, 2019, further comments were provided by the applicant identifying the following specific issues created by the condition:

- 1) If the cul-de-sac is constructed as recommend by the conditions, it will result in a small island of public street and public right-of-way that will be completely isolated from any other public street or right-of-way until Braden Lane is constructed in the future.
- 2) The terrain of the property is such that the ground within Fairview Woods where the cul-de-sac would be located slopes distinctly north into the Fairview Woods property. This means that the drainage of the public street would need to be captured and piped through the Fairview Woods site to an approved point of disposal. That drainage system would need to be publicly owned and maintained.
- 3) The south property line of Fairview Woods is relatively close to the intersection of Braden Woods Lane and Long Loop. Relocation of the cul-de-sac as recommended by the conditions would create a potentially awkward traffic condition with traffic existing the cul-de-sac immediately into the intersection.
- 4) The proposed pedestrian plan for Fairview Woods calls for a pedestrian crossing at the south end of Braden Woods Lane at the property line. If the cul-de-sac is moved north into the Fairview Woods property the pedestrian crossing would be at the entrance to the cul-de-sac which could be a less desirable location than the end of a private street.

Based on the specific issues raised by the applicant, the Planning Commission concurred with the identified concerns and approved the elimination of this condition as recommended by staff in the July 23, 2019, continued hearing staff report.

The proposed refinement plan, with the elimination of this condition, remains consistent with this principle.

- 13. Walk Every Day.** *FTCR will be a walkable community with plenty of places to explore. The design promotes walking at all levels, from walkways on both sides of all streets, to neighborhood parks, to broad greenways leading to village center shops, to bus stops easily accessible from all homes. SFA hopes that by integrating walking into the routine of all residents, they will enjoy robust health and an improved quality of life.*

Finding: The proposed refinement plan is designed to promote many walking options, including meandering sidewalks along Pringle/Battle Creek Road and Braden Woods Lane in order to facilitate additional tree preservation, a mixed pedestrian/vehicle woonerf design on Long Loop, designated paths between lots to connect open space areas, and existing alleys on the perimeter of the refinement plan shared with the Fairview Addition west subdivision. This promotes easy access to neighborhood recreational areas, to work/school, to commercial areas, and to mass transit systems as available. The walkability of the neighborhood will promote a healthy lifestyle for residents and non-residents alike. The proposed refinement plan is consistent with this principle.

As indicated in the findings above, the proposed refinement plan is consistent with the goals, policies, and development objectives of the Fairview Plan. The refinement plan strives to preserve natural features of the site through the preservation of a significant portion of the existing trees on the property, the provision of open space, and sensitively locating streets and buildings in a manner that responds to the natural topography of the site. This criterion is met.

- (2) *The Refinement Plan conforms with the applicable provisions of the Salem Area Comprehensive Plan.***

Finding: The proposed refinement plan conforms with the applicable provisions of the Salem Area Comprehensive Plan (SACP) as follows:

Mixed Use Intent and Purpose Statements (SACP – Page 8): *The Mixed-Use designation encompasses the opportunity for a variety of housing opportunities, including but not limited to, single-family detached, single-family attached, garden apartment, apartment, communal living, and rowhouses. The location, density, and style of housing is governed by the zoning code. What differentiates this classification from Single-Family and Multi-Family Residential categories is an expansion of the types of uses deemed compatible with residential development. In addition to non-residential uses (such as schools and other educational facilities, parks,*

open space, and religious organizations), this classification permits the mixing of shopping and services, convenience stores, commercial office (including live-work units) and compatible commercial and/or industrial uses within neighborhoods and structures.

The purpose of this designation is to:

- 1. Allow a mixture of complementary land uses that may include housing of all types, retail, office, commercial services, and civic uses to create economic and social vitality and the ability to meet multiple needs in compact areas;*
- 2. Develop mixed use areas that are safe, and attractive to pedestrians;*
- 3. Provide flexibility in the siting and design of new development and redevelopment to optimize the use of natural resources, energy alternatives, improvements in development tools and techniques, and changes in the marketplace;*
- 4. Recognize streets as public places that encourage pedestrian, bicycle, and transit use;*
- 5. Facilitate efficient use of land by encouraging compact, high-density development and minimizing the amount of land that is needed for surface parking; and*
- 6. Encourage and facilitate development that supports public transit and the utilization of alternative modes of transportation.*

The proposed refinement plan is consistent with the intent and purpose established for the "Mixed Use" designation under the Salem Area Comprehensive Plan. The proposed plan calls for a pedestrian-friendly lower impact residential development within an area of the site characterized by important natural features intended to be preserved. The large lot sizes and layout of the proposed development allow for reasonable economic use of the property while fostering the preservation of the site's natural characteristics consistent with the goals and polices of the Fairview Plan.

While the location of the property is not suitable for an intensive mix of residential and non-residential uses, the refinement plan does allow for some limited commercial activity (such as live-work/home occupations, short term rentals, and child day care homes) to occur in conjunction with the proposed single family homes. Because the proposed refinement plan is being developed by the same applicant that developed the Fairview Addition West refinement plan, both the proposed Fairview Woods refinement plan and the Fairview Addition West refinement plan have been designed to function together collectively as an overall development providing a mix of residential and neighborhood-scale commercial/live-work development, a range of housing options, significant open space and natural resource protections, and integration with future development in the vicinity of the site.

The proposed refinement plan conforms to this comprehensive plan provision.

Mixed Use Development Goal (SACP – Page 35): *To provide a mixture of complementary land uses that may include housing, retail, offices, service, industrial and civic uses, to create economic and social vitality.*

Due to the location of the subject property, its natural features, and limits on the use because of its location within the LI (Low-Intensity) and MI (Mixed-Intensity) areas of the FMU zone, development within the refinement plan is not suited to a more intense mix of housing, retail, office, service, industrial, and civic uses. These more intensive types of uses are appropriate for other areas of the Fairview Training Center site.

The mix of uses proposed within the refinement plan are consistent with the stated purposes of the MI and LI areas of the FMU zone which call for primarily residential uses along with a mix of small-scale neighborhood commercial, employment, and public service uses.

The proposed refinement plan calls for a lower density residential development, along with the possibility of accessory dwelling units and limited commercial uses conducted in conjunction with the residential use of the properties. The mix and intensity of uses proposed in the refinement plan are not only complementary to each other but are also complementary to the natural features of the site and will result in reasonable economic use of the property while minimize impacts on surrounding properties.

The proposed refinement plan conforms to this comprehensive plan goal.

Mixed Use Development Policy 1 (Development)(SACP – Page 35): *Encourage efficient use of land by facilitating compact, high-density development and minimizing the amount of land that is needed to accommodate automobile parking.*

Mixed Use Development Policy 2 (Development)(SACP – Page 35): *Encourage development that preserves open space.*

The residential densities within the proposed refinement plan are, as identified in the comparison table below, lower than the residential densities identified in the FMU zone under SRC 530.050(b).

Overlay Area	FMU Zone Densities	Fairview Woods Densities
Low Intensity (LI)	5 to 8 du/acre	0.5 to 2 du/acre
Mixed Intensity (MI)	7 to 35 du/acre	1 to 3 du/acre

The residential densities included under SRC 530.050(b) were established, along with other standards for minimum lot area and dimensions, setbacks, lot coverage, height, etc., in order to provide clear and objective standards for residential development within the FMU zone. It is not the intent of the FMU zone that the standards of SRC 530.050 apply to all refinement plans that include residential uses. Pursuant to SRC 530.050:

“When uses and activities falling under Household living are proposed within a Refinement Plan, such uses and activities shall be subject to either the development standards set forth in this section or the development standards established in the Refinement Plan. If development standards for uses and activities falling under Household Living are established in a Refinement Plan, approval of such standards shall be reviewed and approved as “alternative approval criteria” under ORS 197.307. Such standards shall apply in lieu of the standards set forth in this section and shall govern all development of uses and activities falling under Household Living within the Refinement Plan area.”

Because the proposed refinement plan establishes its own standards for residential development, those standards apply in-lieu of the standards established in 530.050.

Though the residential densities within the refinement plan are lower than those identified in the FMU zone, the lower proposed densities are a result of the need to preserve natural features and characteristics of the site while at the same time allow for some economic use of the property. Despite the larger lot sizes, the plan still promotes the efficient use of land consistent with this policy by allowing single family dwellings along with accessory dwelling units on the proposed lots.

The less intensive residential density proposed within the refinement plan, together with the provision of identified areas of open space, also result in development that preserves open space consistent with the comprehensive plan policy.

The proposed refinement plan preserves open space and significant natural features identified in the Fairview Plan and is consistent with these policies of the Comprehensive Plan.

Mixed Use Development Policy 3 (Priorities for Mobility and Access)(SACP – Page 35): *Facilitate development (land use mix, density, connectivity, design, and orientation) that reduces the need for, and frequency of, SOV trips and supports public transit where applicable.*

Mixed Use Development Policy 4 (Priorities for Mobility and Access)(SACP – Page 35): *Reinforce streets as public places that encourage pedestrian and bicycle travel.*

Mixed Use Development Policy 5 (Priorities for Mobility and Access)(SACP – Page 35): *Provide roadway and pedestrian connections to residential areas.*

The proposed refinement plan calls for development served by an interconnected system of streets and pathways that promote connectivity and a reduced need for SOV trips.

Though transit service is not currently conveniently available to serve the subject property and the surrounding area, the layout and configuration of the proposed refinement plan, and other approved refinement plans, is such that when transit service is provided to the Fairview site, residents within the area will be able to take advantage of convenient access to transit.

Streets within the proposed refinement plan are will also be reinforced as public places that encourage pedestrian and bicycle travel.

The proposed refinement plan conforms to these Comprehensive Plan Policies.

Mixed Use Development Policy 8 (Design)(SACP – Page 35): Provide appropriate transitions between mixed-use areas and adjacent single-use neighborhoods.

There are existing single use neighborhoods located to the west and southwest of the property across Pringle Road SE and Battle Creek Road SE respectively. These neighborhoods are zoned RS (Single Family Residential). In order to provide a transition from development occurring within the FMU zone to adjacent RS zoned properties, the LI (Low-Intensity) area was established within the FMU zone and applied to western perimeter of the site along Pringle Road and Battle Creek Road, as well as along a portion of northern boundary of the site within Pringle Creek Community.

Development within the LI area is intended to include Single Family activities in detached housing types sited on separate lots with private yards and street and/or alley access.

The refinement plan proposes single family dwellings, with and without accessory dwelling units, limited commercial opportunities in the form of live-work/home occupations, and open space. The uses proposed within the refinement plan will be consistent with those of the residential neighborhoods to the west and southwest. The proposed refinement plan conforms to this Comprehensive Plan policy.

(3) *The Refinement Plan is compatible with adjoining land uses.*

Finding: Existing land uses adjacent to the refinement plan area include single family residential uses within existing subdivisions to the west and southwest of the subject property across Pringle Road and Battle Creek Road, and the existing and planned residential uses within the abutting Fairview Addition West refinement plan.

The refinement plan proposes single family dwellings, with and without accessory dwelling units, limited commercial opportunities in the form of live-work/home occupations, and open space. The proposed uses and development pattern envisioned in the refinement plan will be compatible with adjoining land uses.

The proposed refinement plan will also be compatible with the adjacent Fairview Addition West refinement plan which embodies the same core principles that guide development within the zone set forth in the Fairview Plan.

The proposed refinement plan conforms to this approval criterion.

(4) *The Refinement Plan is physically feasible, given consideration of existing or proposed infrastructure and public services.*

Finding: The proposed development will be required to provide new infrastructure including sewer, water, storm drainage, and a transportation facilities to meet the needs of the development. The Public Works Department has reviewed the proposal and indicates all such infrastructure can be provided to serve the proposed development. Because infrastructure and public services are available to serve the proposed development, the proposed refinement plan conforms to this criterion.

In regards to water service, comments provided by the Public Works Department (**Attachment H**) explain that portions of the subject property are located within the S-2 water service level and, as such, S-2 water mains will need to be extended to the property through adjacent parcels pursuant to the Public Works Design Standards (PWDS). The Public Works Department also indicates that S-1 water infrastructure is available in Braden Lane SE and is adequate to serve the proposed lots within the S-1 water service level (less than 358 feet of elevation).

Section 12 (Standards for Phasing of Public Utilities) and Section 22 (Impacts on Existing Infrastructure and Public Services) include language discussing the provision of water service to the lots within the refinement plan which conflict with the potential requirement to provide S-2 water mains to serve the proposed development. As such, the following condition of approval shall apply to ensure that the language included in the refinement plan is consistent with the water service requirements to serve the property identified by the Public Works Department:

Condition 4: The language concerning water service to the proposed refinement plan included under Sections 12 and 22 of the refinement plan shall be revised to be consistent with the water service requirements identified by the Public Works Department.

(5) *The Refinement Plan conforms to all applicable standards of the UDC, except where alternative standards are proposed.*

Finding: Pursuant to SRC 530.030, refinement plans may establish alternative development standards and processes that supersede the standards and processes of the UDC and shall be used as review criteria for any specific development proposal within the area covered by the refinement plan.

The proposed refinement plan includes alternative development standards geared toward creating a development pattern consistent with that envisioned in the Fairview Plan.

Under Section 15 and Section 16 of the proposed refinement on pages 35 and 36, the relationship between the standards of the refinement plan and the standards of the Unified Development Code (UDC) are discussed. These sections explain that development within the refinement plan will be in compliance with the Salem Revised Code and the standards presented in the refinement plan. It is further explained where the refinement plan differs from the provisions of the Unified Development Code (UDC), the refinement plan shall govern. Because the proposed refinement plan will be in compliance with the SRC, which includes the UDC, the refinement plan will conform to the applicable standards of the UDC except where such standards are superseded by the standards of the refinement plan. This approval criterion is therefore met.

(6) *The Refinement Plan conforms to the following goals:*

- (A) *Encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;***
- (B) *Encourage the innovative integration of park and school uses;***
- (C) *Encourage the principles of sustainable development and sustainable business practices;***
- (D) *Support affordable housing options and mixed-income neighborhoods;***
- (E) *Facilitate the resourceful use of land through the efficient arrangement of land uses, buildings, circulation systems, open space and infrastructure;***
- (F) *Encourage economic opportunities that comply with and support business practices;***
- (G) *Recognize the historic significance of buildings, structures and sites, including archeological sites, through appropriate means, including, but not limited to, obtaining official historic resource designation; and***
- (H) *Encourage energy conservation and improved air and water quality.***

Finding: The proposed refinement plan conforms with the goals identified under SRC 530.030(e)(6) as follows:

- (A) *Encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options.***

Finding: The refinement plan calls for a less intensive development pattern consisting of single family dwellings, along with accessory dwelling units, limited commercial opportunities in the form of live-work/home occupations, and open space. The uses and development pattern proposed within the refinement plan are intended to allow for the reasonable economic development of the property in a manner that

preserves the site's prominent natural features and characteristics and is compatible with surrounding land uses.

The plan preserves significant natural features on the site as identified in the Fairview Plan through the layering of natural, infrastructure, pedestrian, and recreational systems; protection of open space; and integration with surrounding and planned future development consistent with the Fairview Plan. The proposed refinement plan conforms to this goal.

(B) *Encourage the innovative integration of park and school uses;*

Finding: Notice of the proposed refinement plan was provided to the Salem-Keizer School District. As of the date of completion of this staff report, no comments have been received indicating the need for a school in this refinement plan area.

A park is also not needed within the proposed refinement plan due to the City's purchase of land on the eastern portion of Fairview site on Old Strong Road SE for a community park.

Because neither land for a new school or a public park is needed within the proposed refinement plan, the goal of encouraging the innovative integration of park and school uses is not applicable in this case.

(C) *Encourage the principles of sustainable development and sustainable business practices;*

Finding: The proposed refinement plan encourages the principles of sustainable development and sustainable business practices by preserving open space and natural features of the site, promoting green building techniques, and utilizing innovative 'layering' approaches to the management of stormwater and open spaces. The proposed refinement plan conforms to this goal.

(D) *Support affordable housing options and mixed-income neighborhoods;*

Finding: Though the proposed refinement plan calls for a lesser intensive residential development pattern of single family dwellings on large lots, the proposed uses and development pattern are in direct response to the need to preserve the natural features of the site. The large lots included within the refinement plan will naturally lend themselves to a more expensive housing type, but the proposed development, taken together with the housing types that have been constructed, and are planned to be constructed, within the surrounding Fairview Addition West refinement plan that is being developed by the same applicant will result in a variety of housing options and price points to accommodate Salem's diverse population at a variety of income levels. The proposed refinement plan conforms to this goal.

(E) *Facilitate the resourceful use of land through the efficient arrangement of land uses, buildings, circulation systems, open space and infrastructure;*

Finding: The proposed refinement plan fosters the efficient use of land by allowing the reasonable economic use of a portion of the Fairview site that is characterized by mature groves of trees in a manner that preserves a substantial number of those trees.

The proposed refinement plan also fosters efficient land use and utility infrastructure design through the layering of open space, stormwater management infrastructure, and pedestrian facilities and recreational systems. The proposed refinement plan conforms to this goal.

(F) *Encourage economic opportunities that comply with and support business practices;*

Finding: The proposed refinement plan encourages economic opportunities that comply with and support business practices by allowing the reasonable economic use of a portion of the Fairview site that is characterized by mature groves of trees in a manner that preserves a substantial number of those trees.

The proposed refinement plan also allows for limited commercial use opportunities (e.g. live-work/home occupations, short-term rentals, and child day care homes) in conjunction with the single family dwelling proposed to be allowed within the refinement plan.

The proposed refinement plan conforms to this goal.

(G) *Recognize the historic significance of buildings, structures and sites, including archeological sites, through appropriate means, including, but not limited to, obtaining official historic resource designation; and*

Finding: As indicated in the refinement plan, there are no historic structures existing within the proposed refinement plan area. The archeological and cultural resource inventory and assessment conducted for the Fairview site as part of the Fairview Plan in 2004, however, did identify one boulder approximately 240 cm long, 120 cm wide, and 75 cm tall located within the refinement plan area. The archeological assessment indicated that the site was considered to be in good condition and eligible for listing on the National Register of Historic Places as it potentially possessed rare rock art from the Willamette Valley. Due to the presence of this potential archeological resource, further investigation was subsequently conducted by archeologists and a petroglyph expert who determined that the incised lines on the boulder appeared to be either natural or made by a backhoe or similar vehicle and therefore were not cultural. In a letter from Melissa Darby (**Attachment J**), Senior Archeologist with Lower Columbia Research & Archeology LLC, the results of the subsequent investigation are identified and it is explained that the rock can be moved to a different

location within 200 feet of its current location in order to facilitate development of the property. It is also explained that on the day the rock is moved, an archaeologist will need to be present to examine the procedures and re-examine the rock to see if any cultural petroglyphs show up in a different light.

In order to recognize the significance of any potential archaeological resources on the site, as required by this approval criterion, and to ensure that if any archeological resources are discovered within the refinement plan area during the course of development that proper procedures and protocols are followed to protect the resource from further disturbance and damage, the following conditions of approval shall apply:

Condition 5: The existing glacial erratic boulder identified in the 2004 Archaeological Cultural Resources Inventory and Assessment for the Fairview Plan shall be moved to a different location within 200 feet of its current location in order to facilitate development of the property. When the boulder is moved, an archaeologist shall be present to examine the procedures and re-examine it to determine if any cultural petroglyphs are present.

Condition 6: An archeological resource inadvertent discovery plan shall be required for development within the refinement plan area.

The proposed refinement plan, as conditioned, conforms to this goal.

(H) *Encourage energy conservation and improved air and water quality.*

Finding: The proposed refinement plan encourages energy conservation and improved air and water quality by requiring each project to exceed minimum code requirements in order to improve water quality, energy efficiency, and a reduced carbon footprint.

The proposed development provides for housing and recreational opportunities for the residents of the development thus reducing the need for travel in terms of energy consumption.

Stormwater will be managed through on-site infiltration the extent possible given soil capacity constraints on the site. The proposed plan provides for energy-efficient development and designates open space and preserves the environmental quality of the property by protecting natural features on the site. The proposed refinement plan conforms to this goal.

ANALYSIS & FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 2 ADJUSTMENT

8. CLASS 2 ADJUSTMENT APPROVAL CRITERIA

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

(A) 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: A Class 2 Adjustment has been submitted in conjunction with the proposed refinement plan to reduce its minimum required size from 40 acres to approximately 14.07 acres.

The FMU zone, pursuant to SRC 530.030(b), requires refinement plans to encompass areas of the Fairview site no less than 40 acres. The purpose of this requirement is to ensure that future detailed planning for development of the Fairview site occurs in a coordinated fashion involving land areas large enough to discourage a piecemeal approach.

The 14.07 acre property subject to the proposed refinement plan and this adjustment request is completely surrounded by the previously approved Fairview Addition West refinement plan. Within the Fairview Mixed-Use (FMU) zone all property included as part of the former Fairview Training Center site is intended to be included within a refinement plan. Because the subject property is entirely surrounded by land which is already included in a refinement plan, the only way for it to be included within a refinement plan, as envisioned and intended under the FMU zone, is for an adjustment to minimum required refinement plan size to be approved or for the Fairview Addition West refinement plan to be amended to include the subject property.

The applicant for the proposed Fairview Woods refinement plan is the same as the Fairview Addition West refinement plan so it would have been possible for the Fairview Addition West refinement plan to be amended to include the subject property but the applicant instead chose proceed with a separate refinement plan for the subject property along with an adjustment request to reduce the required minimum refinement plan size.

As indicated in the general introduction to the proposed refinement plan on pages 5 and 6 it is explained that the proposed Fairview Woods refinement plan, while standing alone, is considered in many ways as being integrated into the Fairview Addition West refinement plan and the larger community. As such, many of the principles overlay and Fairview Woods and Fairview Addition West ultimately complement each other. For these reasons the applicant indicates that both Fairview Woods and Fairview Addition West are collectively referred to

as the Greater Woods neighborhood which honors the spirit of the FMU zone to design a cohesive at least 40 acres.

Because the proposed Fairview Woods refinement plan is completely surrounded by the Fairview Addition West refinement plan and because both refinement plans are being developed by the same applicant, share the same underlying development principles and concepts, and are physically integrated in term of access and open space, the smaller 14.07 acre refinement plan size requested with this adjustment equally meets the underlying purpose of the minimum refinement plan size standard be ensuring that the planning and development of the Fairview site is done in a coordinated, rather than piecemeal, approach. This approval criterion is met.

(B) *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 zoned FMU (Fairview Mixed-Use) and includes land located within the MI (Mixed-Intensity) and LI (Low-Intensity) areas of the FMU zone.

While the FMU zone is a mixed-use, rather than purely residential, zone, the MI and LI areas of the FMU zone are primarily characterized by residential development at various density levels with some small-scale neighborhood commercial, employment, and civic uses.

The proposed adjustment to reduce the minimum required refinement plan size from 40 acres to 14.07 acres will not detract from the livability or appearance of the area. Instead, the proposed adjustment allows for this area of the Fairview site, which is completely surrounded by land already included within a refinement plan, to have its own refinement plan applied to it consistent with the intended purpose of the FMU zone.

As previously identified, the proposed Fairview Woods refinement plan is considered by the applicant as an extension of the surrounding larger Fairview Addition West refinement plan. The proposed refinement plan will be physically integrated with the Fairview Addition West refinement plan through interconnected streets, paths, and open space; and the proposed larger lots, open space areas, and increased tree preservation will result in a development pattern that will enhance, rather than detract, from the livability and appearance of the surrounding residential area. This approval criterion is met.

(C) *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: Only one adjustment has been requested in conjunction with the proposed application. This approval criterion is therefore not applicable.

**ANALYSIS & FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE
APPROVAL CRITERIA FOR TENTATIVE SUBDIVISION PLAN**

9. ANALYSIS OF SUBDIVISION

A. Site Analysis and Parcel Layout

The property subject to the proposed subdivision is approximately 14.07 acres in size. The subdivision proposes to divide the 14.07 acre property into 16 lots ranging in size from approximately 13,499 square feet to approximately 47,096 square feet, together with common open space (**Attachment C**).

The subdivision has frontage on Pringle Road SE and Battle Creek Road SE. Braden Lane SE, within the abutting Fairview Addition West subdivision, extends to the northern boundary of the subject property for extension through the proposed subdivision for an eventual connection to the southern portion of Braden Lane approved to be constructed with a later phase of the Fairview Addition West subdivision.

The proposed subdivision includes approximately 52,531 square feet (1.2 acres) of open space/recreation areas distributed throughout the development and is served by two internal private streets, Braden Woods Lane and Long Loop.

Pedestrian connectivity is provided within the subdivision by a sidewalk on the east side of Braden Woods Lane, a woonerf design for Long Loop which is intended to safely integrate pedestrians, bikes, and vehicles, and paved and natural surface trails to provide pedestrian connectivity to streets and open space areas. Due to the topography of the site and the presence of mature trees, a meandering sidewalk is proposed along the eastern boundary of Pringle Road/Battle Creek Road to allow for greater tree protection.

B. TENTATIVE SUBDIVISION PLAN APPROVAL CRITERIA

Salem Revised Code (SRC) 205.010(d) sets forth the following criteria that must be met before approval can be granted to a tentative subdivision plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the tentative subdivision plan for conformance with the criteria. Lack of compliance with the following land division standards is grounds for denial of the tentative plan or for the issuance of certain conditions necessary to more fully satisfy such standards.

- (1) ***The tentative subdivision plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to, the following:***
 - (A) ***Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.***
 - (B) ***City infrastructure standards.***
 - (C) ***Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.***

Finding: The Unified Development Code (UDC) implements the Salem Area Comprehensive Plan land use goals and governs the development of property within the City limits. As recommended to be conditioned, the proposed subdivision meets all applicable provisions of the UDC as detailed below.

SRC Chapter 205 (Land Division and Reconfiguration): The intent of SRC Chapter 205 is to provide for orderly development through the application of appropriate standards and regulations. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, Salem Transportation System Plan, and the Water, Sewer, and Storm Drain System Master Plans. The applicant has met all application submittal requirements necessary for adequate review of the proposed subdivision. The proposed subdivision, as recommended to be conditioned, conforms to the applicable requirements of SRC Chapter 205.

Lot Standards: The subject property is located within the FMU zone. Pursuant to SRC 530.015, all development within the FMU zone shall be undertaken pursuant to the Fairview Plan, a Refinement Plan, and the development standards set forth in SRC Chapter 530.

Within the FMU zone, standards for lot area, width, depth, frontage, designation of front and rear lot lines, setbacks, and other requirements of development are established in refinement plans.

The proposed Fairview Woods refinement plan establishes the following minimum lot area and dimension requirements:

Lot Standards	Standard	Limitations & Qualifications
Lot Area		
Residential	Min. 10,000 ft. ²	
Non-Residential	No Min.	Open Space
Lot Width		
Residential	Min. 50 ft.	
Non-Residential	No Min.	Open Space
Lot Depth		
Residential	Min. 50 ft.	
Non-Residential	No Min.	Open Space
Street Frontage or Alley Frontage		
Residential	Min. 50 ft.	
Non-Residential	No Min.	Open Space

Proposed lot sizes within the subdivision range from approximately 13,499 square feet to approximately 47,096 square feet, therefore exceeding the

minimum required lot standards. All of the proposed lots also exceed minimum lot dimension and street/alley frontage requirements.

Density: The Fairview Woods refinement plan establishes the following density requirements:

Fairview Woods Density			
FMU Zone Area	Land Area	Required Density	Required Dwelling Units
LI (Low-Intensity) Area	3.31 acres	0.5 to 2 du/acre	2 to 7 units
MI (Mixed-Intensity) Area	10.75 acres	1 to 3 du/acre	11 to 32 units
Required Dwelling Units Per Lot			
Min. 0 du/lot & Max. 2 du/lot			

The proposed subdivision results in the creation 3 lots within the LI Area of the refinement plan and 13 lots within the MI Area of the refinement plan. The number of lots proposed within the subdivision and the resulting number of dwelling units that can be constructed on the proposed lots conforms to the density requirements of the refinement plan.

City Infrastructure Standards: The Public Works Department reviewed the proposed subdivision and determined that the streets, water, sewer, and storm infrastructure are all available and appear to be adequate to serve future development (**Attachment H**). The Fire Department also reviewed the proposal and provided comments addressing requirements of the Oregon Fire Code as they apply to the proposed development.

In order to insure that infrastructure is provided to serve the proposed development consistent with the requirements of the Unified Development Code and the Oregon Fire Code the following conditions of approval shall apply:

Condition 1: ~~Extend water main(s) pursuant to the PWDS from the terminus of the existing S-2 water main at the intersection of Battle Creek Road SE and Sunland Street SE to serve proposed parcels with a finished floor elevation greater than 358 feet.~~

For all lots proposed with dwellings constructed at a finished floor elevation greater than 358 feet, extend water main(s) pursuant to PWDS from the terminus of the existing S-2 water main at the intersection of Battle Creek Road SE and Sunland Street SE to serve those lots.

Condition 2: Construct water and sewer systems to serve each lot.

- Condition 3:** Design and construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.
- Condition 4:** Provide easements for public utilities located within private streets pursuant to PWDS 1.8(f).
- Condition 5:** Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements pursuant to SRC 802.040.
- Condition 6:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 7:** Fire hydrants shall be provided and located within 600 feet of all portions of the dwelling units.

The above identified revision to Condition 1 is based upon concerns raised by the applicant prior to the July 9, 2019, public hearing (**Attachment K**). Condition 1 pertains to requirements for providing water service to serve the lots within the development. In the comments provided by the applicant uncertainty is expressed regarding what was intended to be required by the condition. The applicant explains that they have reviewed the lots and determined that all of the homes to be constructed will be able to be sited such that their finished floor elevations will be no more than 358 feet and therefore S-2 water service is not anticipated to be needed.

In order to address the concerns raised by the applicant and provide for greater clarity regarding when S-2 water lines are required, this condition is revised to clarify that extension of S-2 water mains is only required for lots proposed with dwellings constructed at a finished floor elevation greater than 358 feet.

SRC Chapter 530 (Fairview Mixed-Use Zone): The subject property is zoned FMU (Fairview Mixed-Use). Pursuant to SRC 530.015, all development within the FMU zone shall be undertaken pursuant to the Fairview Plan, a Refinement Plan, and the development standards set forth in SRC Chapter 530.

The proposed subdivision, and any future development within it, is subject to the standards included in the proposed Fairview Woods refinement plan.

The proposed subdivision has been reviewed for conformance with the standards in the refinement plan. As previously discussed, the proposed lots within the subdivision exceed the standards set forth in the refinement plan. Future development of individual lots within the refinement plan will be reviewed for conformance with the refinement plan standards at the time of site plan review and/or building permit approval.

SRC 530.030(d)(12) requires refinement plans to identify the proposed method for the perpetual maintenance of any common open space and

common facilities. The proposed subdivision will include common open space and common facilities. Under Section 10 of the refinement plan on Page 33, it is explained that private streets, utilities, open spaces, common facilities, and community areas will be maintained by covenants, conditions, and restrictions established by The Woods Homeowners Association. In order to ensure the perpetual maintenance of open space and common facilities within the development as required under SRC 530.030(d)(12), the following condition of approval shall apply:

Condition 8: Prior to final subdivision 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 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.

SRC Chapter 808 (Preservation of Trees and Vegetation): SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 25 percent of the remaining trees on the property. If less than 25 percent of the existing trees on the property are proposed for preservation, the applicant must show that only those trees reasonably necessary to accommodate the development are designated for removal. If significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

The applicant submitted a tree conservation plan in conjunction with the proposed refinement plan and subdivision identifying a total of 738 trees on the property, 66 of which are significant oaks. There are no heritage trees or riparian corridor trees and vegetation on the property.

Of the 738 total trees existing on the property, the proposed tree conservation plan identifies 623 trees for preservation and 115 trees for removal. Of the 115 trees proposed for removal, four are significant oaks located in the proposed alignment of Braden Woods Lane where it crosses through the site along the frontages of proposed Lots 2 and 3. It is explained under Section 8 of the refinement plan that due to required road grades,

horizontal cures, and connectivity requirements for Braden Lane there is little latitude to avoid removal of these four trees.

The proposed tree conservation plan preserves 84 percent of the existing trees on the property. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy.

Section 8 of the refinement plan identifies the possibility that an additional 156 trees may need to be selectively removed from the property, therefore reducing the number of trees preserved from 623 to 467. It is explained that no significant oaks would be included in the additional trees that may be removed.

Any proposed future changes to the approved tree conservation plan will require approval of a separate tree conservation plan adjustment. The potential removal of 156 additional trees from the property would result in 63.3 percent of the trees being preserved, which still maintains conformance with the preservation requirements of SRC Chapter 808.

SRC Chapter 809 (Wetlands): According to the Salem-Keizer Local Wetland Inventory (LWI), the Natural Resources Inventory included as part of the Fairview Plan, and as explained in Section 8 (Wetland and Tree Inventory) of the refinement plan, there are no existing identified wetland areas within the proposed refinement plan.

Landslide Susceptibility: The topography of the site generally rises upward from the northwest and the southeast to form a hill top in the eastern portion of the site.

SRC Chapter 810 (Landslide Hazards) establishes mitigation requirements for the development of land within areas of identified landslide hazard susceptibility. This is done primarily through establishing the sum of landslide hazard points (a combination of the mapped landslide hazard points and those points associated with the type of proposed development) in order to determine what mitigation, if any, is required to ensure safe development.

According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 2 to 3 landslide hazard susceptibility points. There are 3 activity points associated with the proposed subdivision. The cumulative total of 5 to 6 points indicates a moderate landslide hazard risk. Pursuant to SRC Chapter 810, a geologic assessment is therefore required for development of the subject property.

The applicant submitted a geologic assessment for the proposed development that is included as Appendix F of the refinement plan.

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

Finding: The proposed subdivision divides the 14.07 acre property into 16 lots. Access to the proposed subdivision will be provided by the network of existing and proposed streets (both public and private) and alleys within the Fairview Addition West subdivision. Once inside the proposed subdivision, individual lots will be accessed by two private streets, Braden Wood Lane and Long Loop.

The proposed subdivision provides both internal connectivity as well as external connectivity to streets and alleys within the Fairview Addition West subdivision.

As shown on Figure 3 (Street Names and Location) on Page 14 of the proposed refinement plan, Long Loop is extended to the southern boundary of the subject property in order to connect to 2nd Street within the Fairview Addition West Refinement Plan. The proposed street design of Long Loop, however, is different from the design of the private streets within the Fairview Addition West Refinement Plan. In order to ensure that the design of the connection between Long Loop and 2nd Street does not impede access to either development, the following condition of approval shall apply:

Condition 9: The portion of 2nd Street within the Fairview Addition West Subdivision located west of Z Street and connecting to Long Loop within the Fairview Woods refinement plan shall be designed to provide a transition from the private street design approved in the Fairview Addition West refinement plan to the private street design for Long Loop approved in the Fairview Woods refinement plan.

In addition to Long Loop extending to the southern boundary of the subject property, Braden Woods Lane also extends to the southern boundary of the subject property in order to make a future connection to Braden Lane. In order to provide an appropriate transition between Braden Lane within the Fairview Addition West subdivision, which is a public street, and proposed Braden Woods Lane within the Fairview Woods refinement plan, which is a private street, a modified cul-de-sac turnaround is proposed similar to what has been approved in the Fairview Addition West subdivision that allows for flow-through traffic. The cul-de-sac turnaround transition for the southern end of Braden Woods Lane, however, is not shown as being located on the subject property, but is instead shown as being located within the Fairview Addition West subdivision.

Originally staff had recommended the following condition or approval in order to ensure that the location of the proposed modified cul-de-sac transition at the south end of Braden Woods Lane would be located on the subject property within the refinement plan consistent with the location of the transition at the north end of Braden Woods Lane:

Condition 10: The tentative subdivision plan shall be revised to relocate the modified cul-de-sac transition between the southern end of Braden Woods Lane and Braden Lane onto the subject

property within the boundary of the refinement plan consistent with the corresponding transition provided at the northern end of Braden Woods Lane.

Prior to the July 9, 2019, public hearing, however, comments were provided by the applicant objecting to the proposed condition and on July 15, 2019, further comments were provided by the applicant (**Attachment L**) identifying the following specific issues created by the condition:

- 1) If the cul-de-sac is constructed as recommend by the conditions, it will result in a small island of public street and public right-of-way that will be completely isolated from any other public street or right-of-way until Braden Lane is constructed in the future.
- 2) The terrain of the property is such that the ground within Fairview Woods where the cul-de-sac would be located slopes distinctly north into the Fairview Woods property. This means that the drainage of the public street would need to be captured and piped through the Fairview Woods site to an approved point of disposal. That drainage system would need to be publicly owned and maintained.
- 3) The south property line of Fairview Woods is relatively close to the intersection of Braden Woods Lane and Long Loop. Relocation of the cul-de-sac as recommended by the conditions would create a potentially awkward traffic condition with traffic existing the cul-de-sac immediately into the intersection.
- 4) The proposed pedestrian plan for Fairview Woods calls for a pedestrian crossing at the south end of Braden Woods Lane at the property line. If the cul-de-sac is moved north into the Fairview Woods property the pedestrian crossing would be at the entrance to the cul-de-sac which could be a less desirable location than the end of a private street.

Based on the specific issues raised by the applicant, the Planning Commission concurred with the identified concerns and approved the following revision to this condition as recommended by staff in the July 23, 2019, continued hearing staff report.

Condition 10: ~~The tentative subdivision plan shall be revised to relocate the modified cul-de-sac transition between the southern end of Braden Woods Lane and Braden Lane onto the subject property within the boundary of the refinement plan consistent with the corresponding transition provided at the northern end of Braden Woods Lane.~~

The portion of Braden Lane within the Fairview Addition West subdivision located between the south end of Braden Woods Lane and the modified cul-de-sac transition shown on the tentative subdivision plan shall be designed as a private street extension of Braden Woods Lane.

The proposed subdivision, as conditioned, will not impede the future use or development of the property. The proposed lots are of a size and configuration to allow them to be developed consistent with the requirements of the proposed refinement plan. This criterion is met.

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

Finding: The Public Works Department reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed subdivision subject to the recommended conditions of approval (**Attachment H**). This criterion is met

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

Finding: The subject property is located adjacent to Pringle Road SE and Battle Creek Road SE. Both of these streets are designated as minor arterial streets within the City's Transportation System Plan (TSP). As allowed within the FMU zone, the proposed two internal streets within the subdivision, Braden Woods Lane and Long Loop, are private streets.

In order to ensure that that street system within and adjacent to the tentative subdivision plan conforms to the TSP, the following conditions of approval shall apply:

Condition 11: Construct a minimum 46-foot-wide improvement along the entire frontage of parcels 2 and 3 of Partition Plat 2015-29 to Minor Arterial standards, including tapers pursuant to PWDS. The sidewalk may meander and be located within an easement east of the property line in order to preserve existing trees along the property frontage. The boundary street improvements for the parcel 3 frontage may be deferred through an amendment to the existing Construction Deferral Agreement for the Fairview Addition West Subdivision (Reel 3690, Page 288, Marion County Records).

Condition 12: Construct internal streets to Local street standards pursuant to PWDS, except as otherwise provided in the alternate cross-sections pursuant to the refinement plan.

Condition 13: The emergency access to Pringle Road SE will be allowed only as required by the Fire Marshal.

The above identified revision to Condition 11 is based upon concerns raised by the applicant prior to the July 9, 2019, public hearing (**Attachment K**). Condition 11 pertains to the required boundary street improvement for Pringle Road SE and Battle Creek Road SE along the frontages of both the subject property and the adjacent Fairview Addition West property to the south of the

subject property. Comments provided by the applicant indicate that this condition doesn't clearly identify or otherwise consider the current Improvement Agreement and Deferral Agreement made between the owner of the property and the City of Salem on April 16, 2015.

The improvement agreement and deferral agreement referred to by the applicant allows the required frontage improvements to be deferred until the development of Phase Zb of the Fairview Addition West subdivision and requires a performance security of \$472,500 to cover the estimated cost of the improvement that can either be posted as a lump sum or paid in cash installments of \$4,375 per lot at the time of building permit issuance.

The identified revision to Condition 11 requires the Pringle Road/Battle Creek Road frontage of both the subject property (Parcel 2 of Partition Plat 2015-29) and the adjacent Fairview Addition West property (Parcel 3 of Partition Plat 2015-29) to be improved, but allows the improvement of the Fairview Addition West property frontage to be deferred through an amendment to the existing deferral agreement.

Because the applicant will be required to improve the frontage of the subject property (Parcel 2) without deferral, thereby reducing the total outstanding estimated cost of the improvement of the frontages of Parcels 2 and 3, the required performance security to complete the remaining frontage of Parcel 3 can be proportionally reduced.

- (5) ***The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.***

Finding: The subject property is located adjacent to Pringle Road SE and Battle Creek Road SE, which are designated as minor arterial streets within the TSP. In order to ensure that these streets will be developed in conformance with the TSP, a condition of approval is proposed requiring dedication of right-of-way and a 46-foot-wide improvement on these streets. The proposed 46-foot-wide improvement will ensure the safe, orderly, and efficient circulation of traffic along the boundary of the proposed development.

The subdivision will be served by two private streets, Braden Woods Lane and Long Loop. In order to ensure that the proposed private streets within the subdivision are designed to provide safe and sufficient fire department access, the following conditions of approval shall apply:

Condition 14: Braden Woods Lane and Long Loop shall have appropriate no parking signage reviewed and approved as a condition of public construction plan approval.

Condition 15: No parking shall be permitted in the cul-de-sac bulbs at the northern and southern ends of Braden Woods Lane.

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

Finding: The subject property is located adjacent to Pringle Road SE and Battle Creek Road SE, which are designated as minor arterial streets within the TSP. In order to ensure that these streets will be developed in conformance with the TSP, a condition of approval is proposed requiring a 46-foot-wide improvement on these streets. The proposed 46-footwide improvement, which includes construction of sidewalks, will ensure the safe, orderly, and efficient circulation of traffic along the boundary of the proposed development for both vehicles and pedestrians.

Due to the topography of the site and the presence of existing mature trees, the applicant is proposing an alternative design for the location of the sidewalk along Pringle Road and Battle Creek Road to minimize the amount of excavation required along the eastern boundary of the street and to save additional trees (**Attachment M**). The applicant indicates that the proposed design for the sidewalk will include a separated path at the top of the slope within a public sidewalk easement immediate adjacent to the right-of-way. It is explained that the path will meander within the easement to minimize impact to trees. As provided in the comments provided by the Public Works Department (**Attachment H**), the proposed alternative sidewalk design along the eastern side of Pringle Road/Battle Creek Road is approved as an alternative street standard pursuant to SRC 803.065.

The proposed internal streets within the subdivision will also provide safe and convenient pedestrian and bicycle access from within the subdivision to surrounding properties. This criterion is met.

- (7) ***The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.***

Finding: A Traffic Impact Analysis (TIA) was submitted to, and approved by, the Public Works Department with the approval of the Fairview Plan in 2005. The TIA identifies traffic impacts and necessary mitigation measures to accommodate the proposed development of the entire Fairview site and ensure that existing transportation facilities are not significantly affected.

A TIA update, included as Appendix D of the refinement plan, was conducted for the proposed development as required pursuant to SRC 530.030(d)(24). The TIA update predicts that approximately 135 net new average daily vehicle trips will be generated by the proposed development. These trips,

together with the predicated number of trips generated from previous phases of the development, result in a total of 11,405 trips for the entire Fairview site thus far.

The original Fairview Plan TIA predicted a total of approximately 17,070 net new average daily vehicle trips when all 275 acres of the site are developed. The TIA update submitted with the refinement plan shows that the anticipated traffic from the proposed development fits into the framework set by the Fairview Plan and associated Infrastructure agreement.

Mitigation of traffic impacts is provided through construction of frontage improvements along Pringle Road and Battle Creek Road. Other off-site transportation impact mitigation is provided through the Fairview Development District.

- (8) *The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.***

Finding: Property within the FMU zone requires a master planning process in order to facilitate sustainable mixed-use development. Required refinement plans must address how proposed development will address a number of principles of sustainability included in the Fairview Plan, including respecting the landscape by preserving the natural features and topography of a site to the maximum.

The streets and lots within the proposed subdivision have been arranged to preserve the natural topography and vegetation of the site to the maximum extent possible, as is required under the FMU zone. This criterion is met.

- (9) *The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.***

Finding: As is explained in the findings establishing conformance with SRC 205.010(d)(8) above, the layout of the proposed phased subdivision takes into account the topography and vegetation of the site in order to minimize the amount of grading and vegetation removal that will be necessary for the proposed development. All of the lots within the subdivision are of sufficient size to accommodate development of the housing types envisioned for the property in the refinement plan. This criterion is satisfied.

- (10) *When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site***

improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Finding: The property is subject to an approved UGA preliminary declaration (UGA04-08) that was approved for in 2004 and subsequently amended in 2011. The proposed subdivision is consistent with the requirements for on-site and off-site infrastructure improvements established in the UGA preliminary declaration as they are implemented through the Fairview Development District.

CONCLUSION

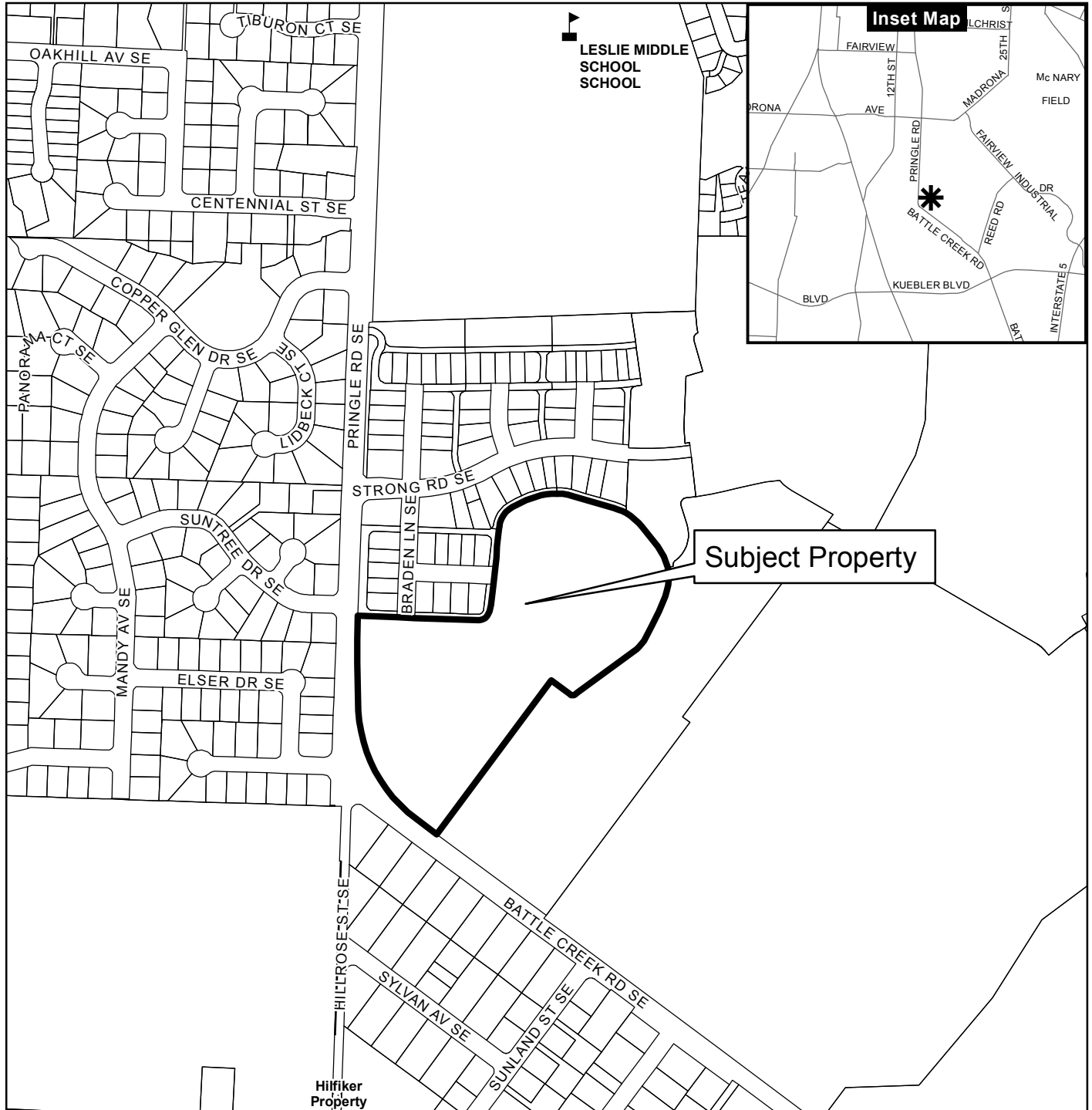
Based on the facts and findings presented herein, the proposed Fairview Refinement Plan, Class 2 Adjustment, and Tentative Subdivision, as conditioned, satisfy the applicable criteria contained under SRC 530.030(e), SRC 250.005(d)(2), and SRC 205.010(d) for approval.

- Attachments:**
- A. Vicinity Map.
 - B. Fairview Woods Refinement Plan
 - C. Tentative Subdivision Plan
 - D. Morningside Neighborhood Association Comments
 - E. Public Comments Received
 - F. Fairview Training Center Redevelopment Master Plan
 - G. Fairview Plan – Off-Street Pathway and Open Space Plan
 - H. Public Works Department Comments
 - I. Salem-Keizer School District Comments
 - J. Letter from Melissa Darby (Lower Columbia Research & Archeology LLC)
 - K. Applicant Comments (July 9, 2019)
 - L. Applicant Comments (July 15, 2019)
 - M. Proposed Alternative Sidewalk Location (East Side of Pringle Road/Battle Creek Road)








Prepared by Bryce Bishop, Planner II

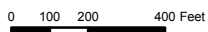
Vicinity Map

4100 to 4200 Blocks of Pringle Road SE & 4200 Block of Battle Creek Road SE



Legend

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



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

FAIRVIEW WOODS Refinement Plan



OLSEN DESIGN AND DEVELOPMENT INC.

SEPTEMBER 2018

TABLE OF CONTENTS

Project Team	4
General Introduction	5
Illustrative Site Plan (1)	11
General Allocation and Identification of Major Proposed Land Uses (2)	12
Name, Location and Extent of Existing or Proposed Major Streets (3)	14
Typical Street Sections (4)	15
Permitted Land Uses (5)	16
Development Standards for FMU Zones (6)	20
Standards for Conservation of Natural Resources (7)	26
Wetland and Tree Inventory (8)	27
Methods of Protection for Natural Features (9)	30
Maintenance of Infrastructure (10)	33
Construction Phasing of Streets (11)	33
Standards for Phasing of Public Utilities (12)	35
Phasing Schedule (13)	35
Financial Assurances (14)	35
Extent to which Refinement Plan Supplements and Supersedes City Regulations (15)	35
Standards for Interpreting the Refinement Plan (16)	36
Design Guidelines and Approval Process (17)	36
General Landscape Plan (18)	36
General Drainage Plan (19)	39
Traffic Impact Analysis Report (20)	41
Impacts on Existing Structures and Other Development (21)	42
Impacts on Existing Infrastructure and Public Services (22)	44
Location and Extent of Sanitary Sewer, Storm Drainage and Utilities (23)	44
Existing “Historically Significant” Resources (24)	45

APPENDICES

Appendix A: Tree Inventory from Surveyor

Appendix B: Natural Resources Inventory

Appendix C: Historic Analysis and Inventory

Appendix D: Traffic Impact Analysis Update Letter

Appendix E: Archaeological Cultural Resources Inventory and Assessment

Appendix F: Geohazard/Geotechnical Report

Appendix G: Public Works Exceptions

Appendix H: Storm Water Calculations

PROJECT TEAM

Prepared by:

Olsen Design and Development, Inc.

Contact: Eric Olsen

170 West Main Street

Monmouth, Oregon 97361

(503) 838-1600

Submitted to:

The City of Salem

555 Liberty Street SE, Room 305

Salem, Oregon 97301

Report Contributors:

Carlson Geotechnical

8430 Southwest Hunziker

Tigard, Oregon 97223

Kittelson & Associates, Inc.

610 SW Alder Street, Suite 700

Portland, Oregon 97205

Lower Columbia Research & Archaeology, LLC.

3327 NE Simpson St

Portland, Oregon 97211

Westech Engineering, Inc.

3841 Fairview Industrial Dr SE

Salem, OR 97302

GENERAL INTRODUCTION

Approval Criteria SRC 530.030(e)

The Fairview Woods Refinement Plan (referred to in this plan as The Woods) was developed to be consistent with the principles in the Fairview Master Plan and in conformity with the provisions of the Salem Area Comprehensive Plan and Fairview Mixed Use Zone. A general overview of those principles, permitted uses and densities as they relate to The Woods Refinement Plan can be found in Sections 2 and 5.

Fairview Addition West borders the Fairview Woods on the north, east and south. The adjacent uses are residential and open space. The Woods is designed to further accommodate the Fairview Master plan, which shows the subject property preserving many existing trees on the site with special attention to significant oaks. The low density housing provides a compatibility with the adjoining land uses by emphasizing a sustainable, residential community while integrating substantial preservation of the tree stand. While not part of The Woods, a tentative subdivision application for the entire 14.2 acres of property has been submitted as a simultaneous application. The subdivision plan shows the feasibility of The Woods Refinement Plan as it relates to infrastructure, public services and buildability.

Tables 2 and 3 in Sections 5 and 6, respectively, describe in detail The Woods Refinement Plan's conformity to the City of Salem UDC with proposed exceptions and alternative standards stated.

Because The Woods does not satisfy the minimum size requirement for Refinement Plans (minimum 40 Acres) dictated by the Zoning Code, The Woods Refinement Plan of 14.2 Acres, while standing alone, is considered in many ways as integrated (nested) into Fairview Addition West and the larger community. Therefore, many of the principles overlap and The Woods and Fairview Addition West ultimately complement each other. For this reason, we refer often to both Fairview Addition West and The Woods collectively as The Greater Woods

neighborhood which honors the spirit of the Code—to design cohesive neighborhoods of at least 40 acres. Because ownership does not overlap between Fairview Addition West and The Woods, for development reasons The Woods is not incorporated into the Fairview Addition West Refinement Plan.

The Woods Refinement Plan is based on the goals of the Fairview Master Plan. In addition to traditional single family homes, the Greater Woods incorporates mixed-use and other housing options, such as live-work, micro-homes and multifamily, which create a mixed income neighborhood. There is a current application for reuse of the Fairview laundry building for commercial use. Significant open spaces are designed to preserve the natural surroundings and to encourage community access such as space designated for community agriculture, community events and recreation. A network of paths, alleys and sidewalks provide convenient pedestrian use and easier access to the bus service on Battle Creek/Pringle Road, as well as future service through the larger Fairview neighborhood.

The overall design of The Woods Refinement Plan was motivated by a desire to preserve the natural topography and tree stand while creating an economic model in which the property can be developed.

Offering residents the ability to live and work from their home is a critical component of The Wood's objectives and the Greater Woods will provide both low impact home occupations as well as more intensive and urban live-work arrangements. With the Fairview Addition West Refinement Plan, the live-work uses vary depending on proximity to the "Village Center" (see Fairview Master Plan for a description of the Village Center Area). Table 2 of that Refinement Plan shows allowed uses for residences throughout the Fairview Addition West area. Live-work is an important sustainability tenet of the Greater Woods and it achieves the following: a) reduces automobile commuting, b) provides walkable amenities within a neighborhood for other residents, c) economizes space within the residence by utilizing residential space as

work space, and d) reduces the need for commercial development elsewhere in the city. The Fairview Woods provides the lowest impact live-work environment.

Sustainability is further achieved through construction standards by requiring each project to exceed minimum code requirements in order to improve water quality, energy efficiency and a reduced carbon footprint.

Fairview Sustainable Land Use and Transportation Principles

The Woods is a 14.2 Acre project that emphasizes elements consistent with the principles of sustainability in the Fairview Master Plan. The following outlines how the Sustainable Land Use and Transportation Principles will be applied in The Woods development.

Build in Economic and Social Diversity

The Greater Woods neighborhood promotes integration of populations with diverse economic and social standings. While The Woods generally fulfills an upper-end housing option, it allows accessory dwelling units and duplexes as part of this goal. Instead of the seclusion and/or separation of this upper-end neighborhood, as is often the case in typical developments (e.g. gated developments), our design encourages pedestrian and vehicular connections. Therefore, both Fairview Addition West and The Woods provide amenities for each other while extending opportunity to the larger community.

Create a Center

The Greater Woods neighborhood design respects the “transect” whereby the general density/intensity of use increases (i.e. becomes more urban) with movement toward the center, specifically, in this case, with the Village Center (VC) area at the core. The Greater Woods is the least dense at the “top of the hill” with density and commercial activity increasing as the terrain flattens—a natural pattern of growth many great communities experience. Other than low impact live-work (e.g. consulting business with limited traffic impact), commercial activities will be discouraged in The Woods. Street design and parking

are reflective of this limitation. Greater flexibility, not to mention encouragement of commercial activity exists in Fairview Addition West. Only in and around the VC area will the most urban live-work option be available. Ground floor retail and commercial applications which generate significant traffic will be allowed only there.

Re-use, Retrofit

While no existing buildings are currently within The Woods refinement area, The Greater Woods neighborhood encourages reuse when practical. The developer of Fairview Addition West intends to find an end user to purchase the laundry building and repurpose the structure for commercial use, complementary to this mostly residential area. This would generate an additional amenity, provide jobs and increase livability for the entire Fairview community as well as the greater Morningside neighborhood. Because of the clear span roof structural systems which were used in construction, the building offers many reuse alternatives.

Create Local Employment

Live-work options within The Woods will increase local employment, while reducing carbon dioxide emissions associated with transportation (e.g. commuting). Furthermore, significant job creation comes from the actual building of homes (a National Association of Homebuilders study indicates that construction of a typical new home creates between 3 and 4 full time jobs for 1 year. This translates to 45-60 jobs created by The Woods home construction. This excludes any jobs created by the infrastructure construction which is estimated at 10-15 full time jobs for one year).

Build Innovative Green Buildings

The Woods housing types are aimed broadly at satisfying the following fundamentals of sustainability: good environmental and aesthetic design through preservation of existing landscape and walkability. Neighborhoods designed for livability generate long-term social

fabric and promote reinvestment, therefore creating the foundation for a sustainable community.

Part of the encouragement of innovation in sustainability derives from our “Green Addition” which is an additional homebuyer investment in sustainable development. All homes constructed will be obligated to include an additional investment (beyond normal City requirements) of one percent of the total cost of the structure for one of the following areas of green building:

1. Energy efficiency (e.g. insulation, LED lighting, energy efficient appliances)
2. Water quality (e.g. rain gardens, rooftop gardens, gray water reuse)
3. Green energy sources (e.g. Renewable Energy Certificates (RECs), carbon offsets, solar panels)
4. Improved water conservation (e.g. gray water reuse, low flow fixtures, drought tolerant landscaping)
5. Automobile charging stations
6. Other experimental green building methods (e.g. new technologies not yet in the marketplace)

This will be monitored and enforced by The Woods Homeowners Association.

Green Corridors for People and Other Living Things

The Woods Refinement Plan is the pinnacle, literally and figuratively, for combining housing, green space, and corridors for both people and other living things. The green corridor from Pringle Creek Community to the Fairview Addition Amphitheater culminates in The Woods at the hilltop. Additionally, another green corridor winds up from Simpson Hills Development along the north side of Fairview Addition Phase Za, which also culminates at The Woods. There is a park referred to as Oak Park to which all these greenways lead, or from which all the greenways emanate. While fencing is allowed, it must support the movement of wildlife through these areas.

An Interconnected Street System

Pedestrian and automobile connectivity is a major part of our development design as is indicated in our street network plan. The Fairview Master plan, because of the intent to preserve the tree stand and the topography of the site, appropriately shows minimal connectivity through this parcel as compared to other areas. See **Section 3: Name, Location and Extent of Existing or Proposed Major Streets.**

Walk Every day

The Woods neighborhood is designed to promote many walking options including: street/woonerf, alleys along the perimeter of The Woods shared with Fairview Addition, open spaces and designated paths between lots. The “nature paths” away from streets add an amenity not found in the refinement plans already approved in the larger Fairview Master Plan. All of this is meant to promote easy access to and through The Woods neighborhood, recreational areas, to work/school, to commercial areas, and to mass transit systems as available outside of this neighborhood. The particularly walkable neighborhood will promote a healthy lifestyle for residents and non-residents alike.

Transit Close at Hand

An underlying aim of The Greater Woods is providing realistic alternatives to the personal automobile. As already discussed, this starts with walkability. The aesthetic of “a good walk” is fundamental to breaking the reliance on automobiles because mass transit stations are often a 5-10 minute walk away. On the west side of Fairview Addition (on Battlecreek and Pringle Road), Route 6 of Salem-Keizer Area Public Transit offers a very accessible bus service which fits within that threshold of keeping neighborhood amenities within a 5-10 minute walk in order to reasonably expect use.

SECTION 1: ILLUSTRATIVE SITE PLAN



Figure 1: Illustrative Site Plan

SECTION 2: GENERAL ALLOCATION AND IDENTIFICATION OF MAJOR PROPOSED LAND USES

The Woods model follows the Mixed-Use Overlay Plan outlined in Chapter 530 of the SRC: FMU Fairview Mixed-Use Zone unless stated herein. Two of the indicated overlay zones are included in The Woods Refinement Area:

- **Low Intensity (LI)**

3.31 Acres Total

DU/Acre: 5-8 allowed per Fairview Master Plan

DU Total: 17-27 allowed per Fairview Master Plan

DU/Acre: 0.5-2 units proposed

DU Total: 2-7 units proposed

Single family, single family with ADUs, live-work single family, open spaces, semi-private open space

- **Mixed Intensity, MI**

10.75 Acres

DU/acre: 7-35 allowed Per Fairview Master Plan

DU Total: 76-377 allowed per Fairview Master Plan

DU/acre: 1-3 units proposed

DU Total: 11-33 units proposed

Single family, single family with ADUs, live-work single family, open spaces, semi-private open spaces

Table 1: Total Dwelling Units by Zone

	LI		MI		Totals	
	Min	Max	Min	Max	Min.	Max.
Fairview Master Plan	17	27	76	377	93	404
The Woods	2	7	11	33	13	40

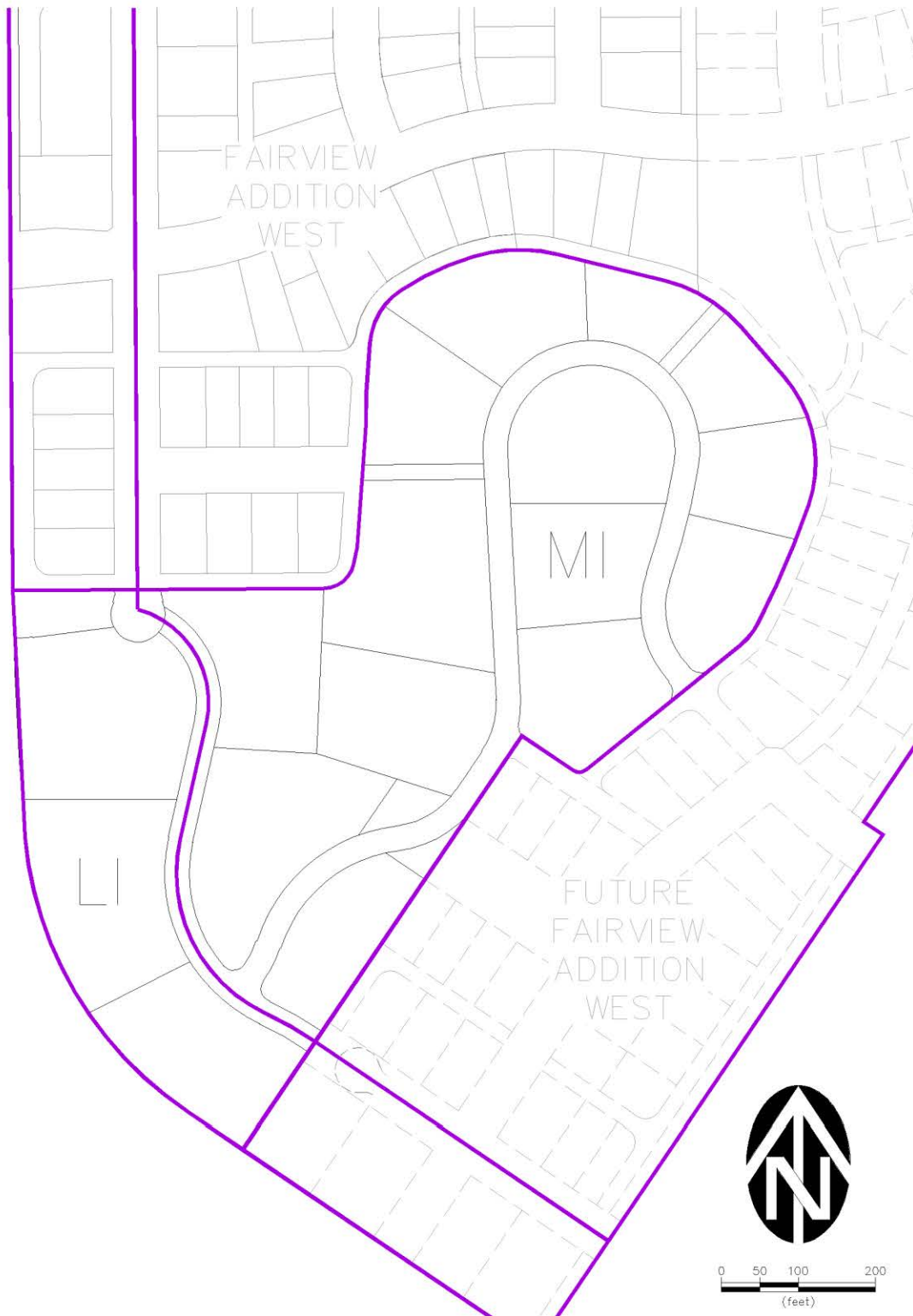


Figure 2: Mixed Use Overlay Plan

SECTION 3: NAME, LOCATION AND EXTENT OF EXISTING OR PROPOSED MAJOR STREETS

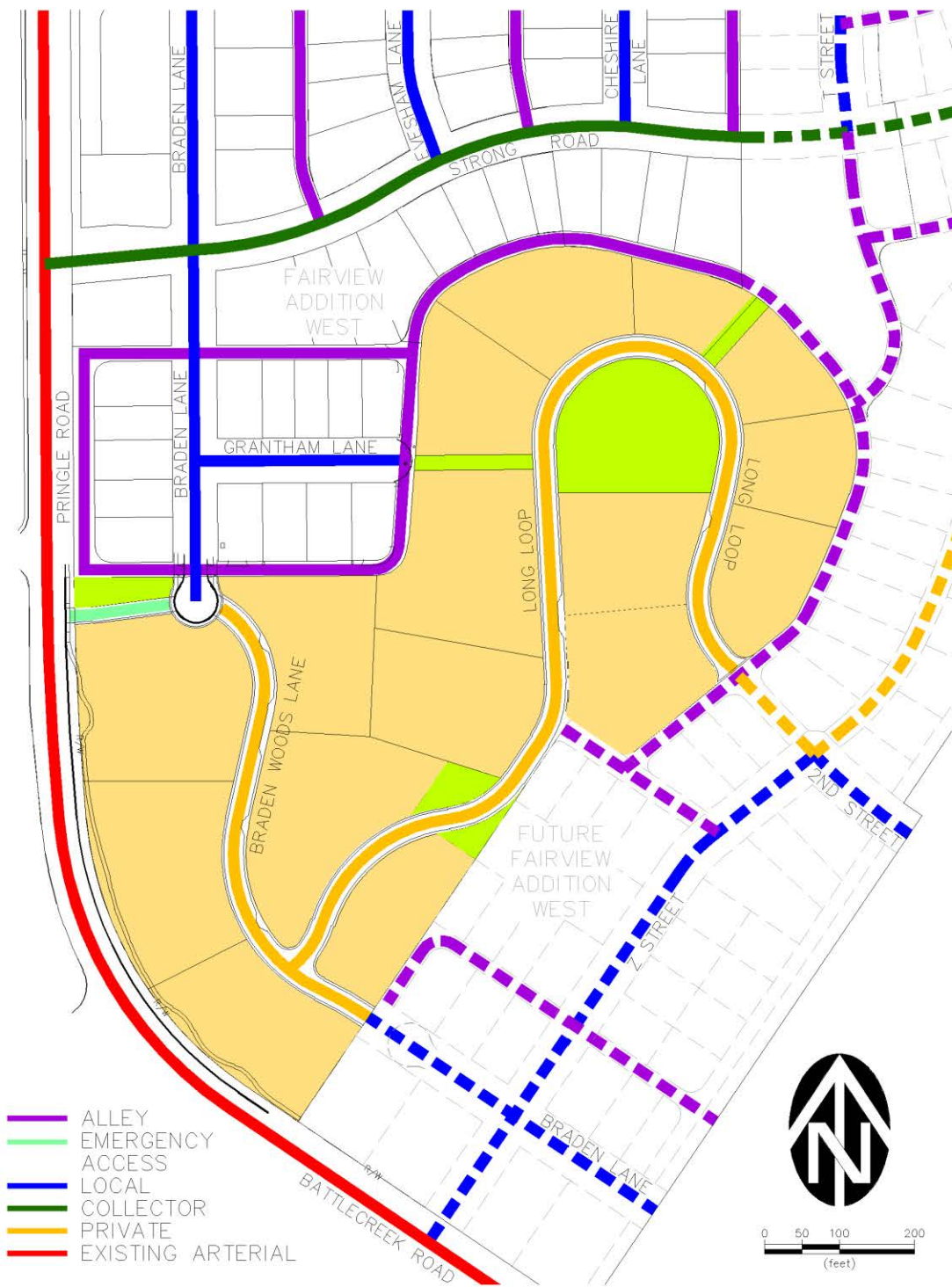


Figure 3: Street Names and Location

SECTION 4: TYPICAL STREET SECTIONS

Refer to the following diagrams in Figure 4 for typical road cross sections. Note that subbase and drainage rock will vary according to specific site conditions and grades, which dictate permeability underlying pervious pavement.

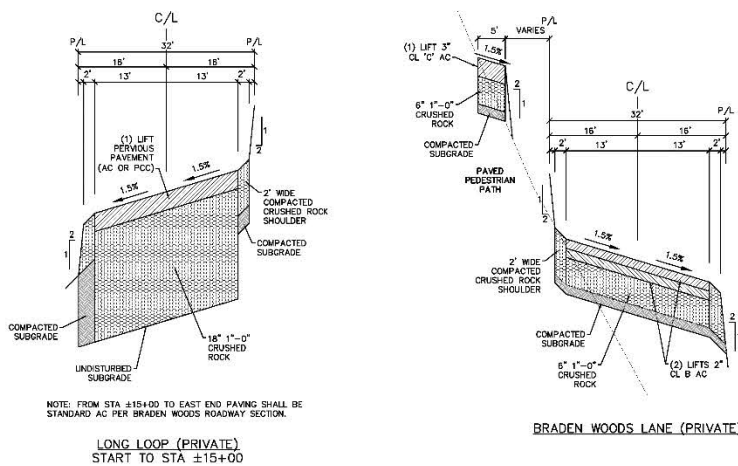


Figure 4: Typical Street Sections

Other than normal functions of a street network like providing “to and through” the neighborhood and emergency vehicle access, streets in The Woods are designed to achieve the following: a) traffic calming by offering skinny and meandering streets b) street sections and street location which minimize the impact on the tree stand and existing grades c) a more rural road design that captures the least urban aspect of the Greater Woods transect-- minimization of curbs is the most noticeable aspect of c). Both a) and b) are achieved by reduced street width and radii of curves which helps avoid tree removal and a reduction in excavation cuts/fills that result from road construction on side slopes. Furthermore, the strategic “meandering” allows for emergency vehicle street grade requirements which would otherwise be unachievable.

Street connectivity to Fairview Addition West has been carefully considered, taking advantage of all street access described in the Fairview Addition Master Plan. Braden Lane (Q Street in Fairview Addition Refinement Plan) continues through The Woods providing north-south connection. Furthermore, Long Lane provides east-west access originating at the west from Braden Lane and east at a future extension of 2nd Street. 2nd Street ultimately connects to Fairview Addition West and Simpson Hills. (Note that Fairview Addition West contemplated 2nd Street connection, which provided some flexibility in the event this property remained undeveloped. It would have likely remained an alley to serve The Woods property and Fairview Addition lots.)

SECTION 5: PERMITTED LAND USES

Overlay boundaries for The Woods will generally follow those specified in the Fairview Mixed-Use Overlay Plan (Figure 530-1) of the SRC, however, the boundaries are altered slightly from the original schematic due to the actual street locations of the development and area densities are reduced to allow for significant preservation of the tree stand. A visual representation of the revised overlay area boundaries for The Woods can be found on Figure 2: Mixed Use Overlay Plan. All permitted land uses will follow specifications outlined in Sections 2 and 6 of this Plan. The mixed-Intensity (MI) zone constitutes a majority of the Refinement Area encompassing approximately 11 acres. All of the homes will be single family or single family with ADU. Note that we permit Two Family because the ADU standard recently adopted by the City of Salem may be too restrictive. Approximately 3 acres along Pringle Road and Battlecreek are designed as Low-Intensity (LI), encompassing single family residential with ADU's permitted. Open spaces throughout the neighborhood are permitted to be used for community parks, community agriculture, community gardens, walking paths/trails, community buildings, agricultural buildings, outdoor classrooms, farm stands, and parking for such uses; along with natural and man-made water quality/flow control and solar panels.

Table 2: Allowed Uses in Fairview Woods

Allowed Uses ⁽¹⁾	LI	MI	Limitations & Qualifications
Household Living			
Single Family	P	P	Single Family detached dwelling with or with or without Accessory Dwelling Unit ⁽²⁾
	N	N	Townhouse
	P	P	Dwelling Unit for caretaker
	P	P	Residential Home as defined under ORS 197.660
Two Family	N	P	
Multifamily	N	N	
Group Living			
Room and Board	N	N	
Residential Care	N	N	
Nursing Care	N	N	
Lodging			
Short Term Commercial Lodging	N	P	Short-Term Rental
	N	N	All other Short-Term Commercial Lodging
Long Term Commercial Lodging	N	N	
Non-Profit Shelters	N	N	
Retail Sales and Service			
Eating and Drinking Establishments	N	N	
Retail Sales	N	N	
Personal Services	N	P	Operated by resident family
Postal Services and Retail Financial Services	N	N	
Business and Professional Services			
Office	N	P	Operated by resident family
Audio/Visual Media Production	N	N	
Laboratory Research and Testing	N	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services			

Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	N	
Motor Vehicle Services	N	N	
Commercial Parking	N	N	
Park-and-Ride Facilities	N	N	
Taxicabs and Care Services	N	N	
Heavy Vehicle and Trailer Sales	N	N	
Heavy Vehicle and Trailer Services and Storage	N	N	
Recreation, Entertainment and Cultural Services and Facilities			
Commercial Entertainment-Indoor	N	N	
Commercial Entertainment-Outdoor	N	P	In Open Spaces
Major Event Entertainment	N	N	
Recreational and Cultural Community Services	N	N	
Parks and Open Space	P	P	
Nonprofit Membership Assembly	N	N	
Religious Assembly	N	N	
Health Services			
Medical Centers/Hospitals	N	N	
Outpatient Medical Services and Laboratories	N	N	
Educational services			
Day Care	N	P	Child day care home
	N	N	All other day care
Basic Education	N	N	
Post-Secondary and Adult Education	N	N	
Civic Services			
Governmental Services	N	N	
Social Services	N	N	
Governmental Maintenance Services and Construction	N	N	
Public Safety			
Emergency Services	N	N	
Detention Facilities	N	N	
Military Installations	N	N	
Funeral and Related Services			
Cemeteries	N	N	

Funeral and Cremation Services	N	N	
Construction Contracting, Repair, Maintenance and Industrial Services			
General Repair Services	N	N	
Building and Grounds Services and Construction Contracting	N	N	
Cleaning Plants	N	N	
Industrial Services	N	N	
Whole Sales, Storage, and Distribution			
General Wholesaling	N	N	
Heavy Wholesaling	N	N	
Warehousing and Distribution	N	N	
Self-Service Storage	N	N	
Manufacturing			
General Manufacturing	N	N	
Heavy Manufacturing	N	N	
Printing	N	N	
Transportation Facilities			
Aviation Facilities	N	N	
Passenger Ground Transportation Facilities	N	N	
Marine Facilities	N	N	
Utilities			
Basic Utilities	P	P	
Wireless Communication Facilities	N	N	
Drinking Water Treatment Facilities	N	N	
Power Generation Facilities	N	N	
Data Center Facilities	N	N	
Fuel Dealers	N	N	
Waste-Related Facilities	N	N	
Mining and Natural Resource Extraction			
Petroleum and Natural Gas Production	N	N	
Surface Mining	N	N	
Farming, Forestry, and Animal Services			
Agriculture	P	P	Growing of crops.
	N	N	Marijuana production.
	N	P	Agricultural buildings.
	N	N	All other Agriculture.

Forestry	N	N	
Agriculture and Forestry Services	N	N	
Keeping of Livestock and Other Animals	P	P	Keeping of chickens.
	N	N	All other Keeping of Livestock and Other Animals
Animal Services	N	N	
Other Uses			
Per table 530-1: Uses			
Notes:			
<ol style="list-style-type: none"> 1. All allowed uses may be further restricted by The Woods Homeowners Association and will be enforced by the same Association 2. Accessory dwelling units shall not be subject to the standards of the SRC. Limits on square footage and height of accessory dwelling units shall be determined by The Wood Homeowners Association 			

SECTION 6: DEVELOPMENT STANDARDS FOR FMU ZONES

Table 3 below specifies standards for development within overlay areas. While this provides minimum standards for what will be incorporated into those areas, further restrictions may be implemented by The Woods Homeowners Association.

Table 3: Development Standards for The Woods (1) (2) (3)

Lot Standards	Standard	Limitations and Qualifications
Lot Area		
Residential	Min. 10,000 square feet	
Other	No Min.	Open Space
Lot Width		
Residential	Min. 50 feet	
Other	No Min.	Open Space
Lot Depth		
Residential	Min. 50 feet	
Other	No Min.	Open Space
Street or alley frontage		
Residential	Min. 50 feet	
Other	No Min.	Open Space

Restriction on Land Divisions
In order to ensure the preservation of trees and prevent the future further division of lots within the refinement plan, no further division of land within the refinement plan shall be approved subsequent to the recording of the first subdivision plat within the refinement plan.

Density	Standard	Limitations and Qualifications
Residential	Min. 0 du/lot	All applicable areas
	Max. 2 du/lot	

Setbacks	Standard	Limitations and Qualifications
Abutting FMU Zone District Boundary		
Building and Accessory Structures		
Residential	Min. 20 Ft.	
Other	Min. 20 Ft.	Open Space
Abutting Street		
Buildings		
Residential	Min. 50 Feet	Within identified 60-foot tree protection zone adjacent to Pringle Road/Battle Creek Road
	Min. 15 Feet	All other areas
Other	Min. 3 Ft.	Open Space
Accessory Structures		
Residential	Min. 15 Ft.	Footprint less than 450 SF
Other	Min. 3 Ft.	Open Space
Abutting Alleys		
Buildings		
Residential	Min. 60 Feet	Within identified 75-foot tree protection zone
	Min. 15 Feet	All other areas
Other	Min. 3 Ft.	Open Space
Accessory Structures		

Residential	Min. 60 Feet	Within identified 75-foot tree protection zone
	Min. 15 Feet	Footprint less than 450 SF
Other	Min. 3 Ft.	Open Space
Interior Front		
Buildings		
Residential	Min. 15 Feet	All areas
Other	Min. 3 Ft.	Open Space
Accessory Structures		
Residential	Min. 15 Feet	All areas
Other	Min. 3 Ft.	Open Space
Interior Side		
Buildings		
Residential	Min. 15 Feet	All areas
Other	Min. 3 Ft.	Open Space
Accessory Structures		
Residential	Min. 15 Feet	All areas
Other	Min. 3 Ft.	Open Space
Interior Rear		
Buildings		
Residential	Min. 15 Feet	All areas
Other	Min. 3 Ft.	Open Space
Accessory Structures		
Residential	Min. 15 Feet	All areas
Other	Min. 3 Ft.	Open Space
Lot Coverage		
Residential	Max. 35%	All areas
Other	Max 15%	Open Space

Height	Standard	Limitations and Qualifications
Building and Accessory Structures		
Residential	Max. 35 feet	All areas
Other	Max. 35 feet	Open Space
Max Vegetation Height-New Plantings		
Trees	Max. 45 feet	All areas (excludes existing trees)
All other vegetation	Max. 45 feet	All areas (excludes existing vegetation)

Off Street Parking	Standard	Limitations and Qualifications
Vehicle Parking		
Residential	Min. 2	Primary residence
	Min. 1	Accessory Dwelling Unit or additional dwelling unit
Other	None required	Open Space
Bicycle Parking		
Residential	None required	
Other	None required	Open Space
Loading		
Residential	None required	
Other	None required	Open Space
Driveway Length		
Residential	Min. 20 feet	Applicable to street facing garage
	None required	All Other
Driveway Width		
Residential	Per SRC Table 806.4	

Fencing/Buffers	Standard	Limitations and Qualifications
Fencing		
Open Green Fencing <i>(Built structure occupies not more than 30 percent of the vertical surface area of the fence)</i>	Max. height 12 feet	Allowed within 50 feet of a residence, but not within the front yard adjacent to a street. See General Wildlife Passage
	Max. height 8 feet	Allowed. See General Wildlife Passage.
Other Fencing	Max. height 6 feet	No more than 4000 s.f. of the area of the yard may be enclosed with other fencing and must have 20 foot front set back. See General Wildlife Passage
Low Walls/Fences	Max. height 4 feet	Allowed anywhere. See General Wildlife Passage
General Wildlife Passage		Fencing/walls must provide 30% unfenced passage for wildlife in each direction. Exception: Openings 2' wide are spaced a maximum of 50' along the perimeter of the fence/wall
Landscaping		
Residential	Max. 4,000 square feet of enclosed yard space	

Open Space	Per The Woods Homeowners Association review
<p>Notes:</p> <p>(1) All development standards are also subject to additional architectural review and approval by The Woods Homeowners Association, which may be part of the Fairview Addition Homeowners Association.</p> <p>(2) All live-work is considered Residential.</p> <p>(3) Height restrictions per SRC Chapter 805 will apply to all fencing that may obscure vision in abutting street areas.</p>	

AMENDMENTS, SUBTRACTIONS AND ADDITIONS TO SALEM REVISED CODE (SRC)/PUBLIC WORK STANDARDS

SRC Chapter 808 (Tree Preservation)

A. **Additional Tree Preservation Requirement.** In addition to the tree preservation requirements for tree conservation plans included under SRC 808.035(d)(4) which requires tree conservations plans for subdivisions to preserve a minimum of 25% of the trees on the property, The Woods refinement requires the following additional preservation requirements:

1. Trees on Individual Lots (after subdivision is complete).

Lots with more than 16 trees shall maintain a minimum of 75 percent of all existing trees on the lot. Lots with 16 or fewer trees shall maintain a minimum of 50 percent of the existing trees on the lot (this applies to lots 8, 9, 13 and 16). Note: Trees located within a tree protection zone on an individual lot are counted in the total number of trees on the lot, and in the overall percentages of trees to be preserved and removed from the lot.

2. Trees on Lots within Tree Protections Zones (after subdivision is complete).

On lots within a tree protection zone identified on *Figure 1: Illustrative Site Plan*, a minimum of 90% percent of all trees on the portion of the lot located within the Tree Protection Zone shall be preserved.

3. Notwithstanding 1 and 2 above, no significant oaks or any other trees designated for preservation under a tree conservation plan may be removed without approval by the City under SRC Chapter 808.

B. **Exemption from Tree Planting Requirements (SRC 808.050):** Due to the size of the lots within the Refinement Plan, the number of trees that will be retained on the lots due to their increased size, and the additional tree protection measures included within this refinement that exceed the minimum 25 percent standard in SRC Chapter 808, the additional tree planting requirements included under SRC 808.050, Table 808-1, shall not apply within this refinement plan.

See APPENDIX I for further deviations from public works standards.

SECTION 7: STANDARDS FOR THE CONSERVATION, DEVELOPMENT OR UTILIZATION OF NATURAL RESOURCES

The standards for the conservation, development or utilization of natural resources for The Woods Refinement Plan will be in accordance with the Sustainable Ecological Systems Principles of the Fairview Master Plan:

Respect the Landscape

Development of The Woods area will work with, not against, the surrounding ecosystems by preserving natural sites for recreational use, wildlife habitats, and storm water drainage. By requiring larger lot sizes, The Woods Refinement Plan allows for more economical use of the property, while at the same time preserving its natural character, wildlife habitat, and existing stands of trees. The open spaces and trails are included within the development to connect to the surround Fairview Addition West Refinement Plan and outlying community. Furthermore, the narrow, private streets are instrumental in respecting the natural topography and in maximizing tree preservation. More information on Open Spaces can be found in **Section 18: General Landscape Plan.**

Zero Impact on the Regional Watershed

The Woods will utilize low-impact, rainwater retention mechanisms to maintain a more natural drainage rate and filtrate toxins from rainwater. Bioswales, storm water planters, drywells, rain gardens and pervious asphalts will ensure a system that works with the natural capacities of the site and allow for improvement, not degradation, of the surrounding Pringle Creek habitats.

Layer the Systems

Systems across all levels and categories will be integrated into The Woods to promote maximum synergy. For example, streets will incorporate rainwater drainage systems, community recreation areas will support ecosystem health and commercial activities will be layered with residential utility.

Close the Cycle of Energy/Material Flows

Construction and maintenance of The Woods will aim to tighten the resource cycle within the development. Drainage systems will allow for filtered water to infiltrate natural aquifers. In addition to adhering to the Sustainable Ecological Systems Principles of the Fairview Master Plan, The Woods Refinement Area will meet or exceed all provisions written in the following SRC Chapters unless noted within this Plan:

- Chapter 808: Preservation of Trees and Vegetation
- Chapter 810: Landslide Hazards
- Chapter 809: Wetlands

SECTION 8: WETLAND AND TREE INVENTORY

Tree Inventory and Preservation Plan

In order to comply with Chapter 808: Preservation of Trees and Vegetation, a professional surveyor was hired to conduct an inventory and evaluation of trees present in The Woods

Refinement Area (see Appendix A). The site contains 738 trees, most of which are evergreen pines and firs and deciduous varieties including oaks and walnuts. We contacted an arborist who confirmed the presence of White Oaks as indicated in Figure 5 (a larger version of the tree inventory is provided in Appendix A). The landscaping plan for The Woods Refinement Area currently designates preservation of 623 existing trees, but reserves the right to selectively reduce this number to 467, which still complies with preservation guidelines found in SRC 808. Significant White Oaks over twenty-four inches in diameter will be preserved, one notable exception being four significant White Oaks on the Braden Lane ROW. The City requirements for road grades, horizontal curves and connectivity of Braden Lane provide little latitude to avoid removal of these significant trees. All provisions required under SRC **Chapter 808: Preservation of Trees and Vegetation** will be met or exceeded in the course of the removal of trees unless indicated herein.

Table 4: Count of Trees on Site to be Removed and Count of Trees to be Preserved

Total Number of all Trees on Site	Number to be Removed	Number to be Saved	Percent Preserved
738	115	623	84%
Total Number of Significant Oaks on Site	Number to be Removed	Number to be Saved	Percent Preserved
66	4	62	94%
A maximum of 156 additional trees may be removed, changing the percent preserved to 64%. None of the additional 156 trees will be Significant Oaks.			

Wetland Inventory

According to the Natural Resources Inventory conducted in 2003 for the Sustainable Fairview Associates, LLC (Appendix B), no wetlands exist in The Woods area.

TREE CONSERVATION/ARCHEOLOGICAL LEGEND

- | | | |
|--------|--------|--------------------------|
| REMAIN | REMOVE | |
| | | SIGNIFICANT OAKS (> 24") |
| | | OTHER DECIDUOUS TREES |
| | | EVERGREEN TREES |
| | | ARCHEOLOGICAL ROCK ART |

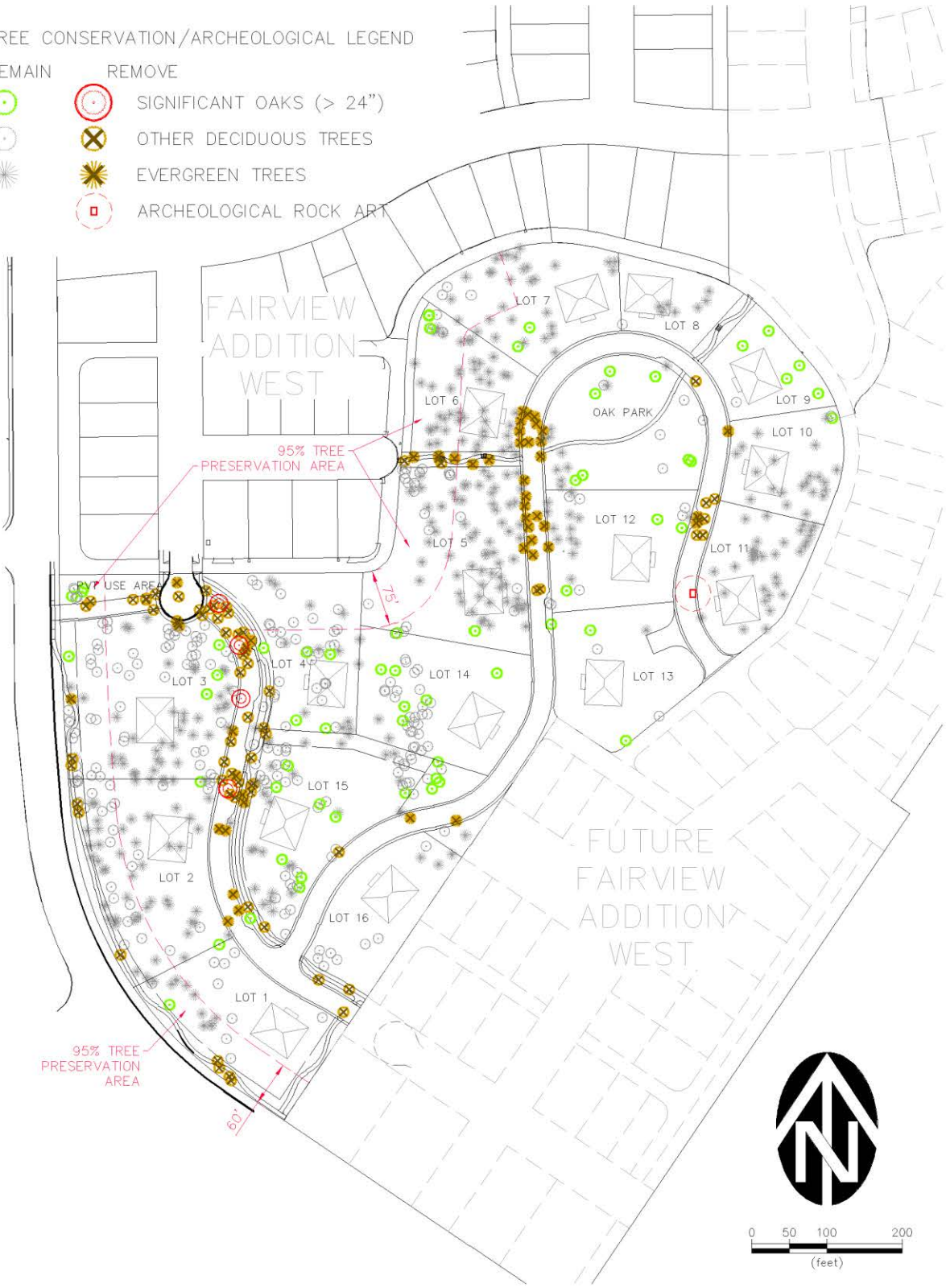


Figure 5: Archeological Inventory/Tree Conservation Plan

SECTION 9: METHODS OF PROTECTION OR CONSERVATION FOR NATURAL FEATURES, HISTORIC STRUCTURES AND VIEW SHEDS

Natural Features

The Woods development will preserve mature and significant trees where possible. The Plan will site homes to honor the natural topography of the land and minimize cuts and fills except in individual home sites.

Trees

A tree inventory conducted by a professional surveyor shows 738 trees on The Woods Refinement Area site. All but four of the significant trees on the site will be preserved and further preservation efforts will be in compliance with SRC 808: Preservation of Trees and Vegetation. No heritage trees were identified. Per table 4, no less than 64% of the trees will be preserved, which far exceeds tree preservation requirements per SRC 808.

Wetlands

According to the consultant that executed the 2003 wetland survey for the Fairview Master Plan, no wetlands have been identified on this property.

Historic Structures

According to the evaluation in the Historic Analysis and Inventory conducted for the Sustainable Fairview Associates, LLC, no historic structures exist in The Woods area. For more information see ***Appendix C: Fairview Training Center Historic Analysis and Inventory.***

Archeological Cultural Resources.

One primary archeological site was identified during a cultural resources survey of The Woods area. A boulder about 240 centimeters long and 75 centimeters high was possibly eligible for listing on the National Register of Historic Places due to potential rock art found on the surface. At time of publishing this refinement plan, additional investigations led experts to find no identifiable historic or prehistoric markings. Written permission to move the rock up to 200 feet has been granted by the state archeologist contingent upon a site visit by the

project archeologist at time of relocation. The rock will be relocated to a community open space in Fairview Addition West or the Fairview Woods.

View Sheds

There are two primary view sheds in The Woods area according to the Fairview Master Plan. The first is located at the north and east side of the property with views toward the Cascades and Mount Hood. The second is toward the northwest along Braden Lane north. For a visual diagram of these view shed locations, see ***Figure 6: View Sheds***.

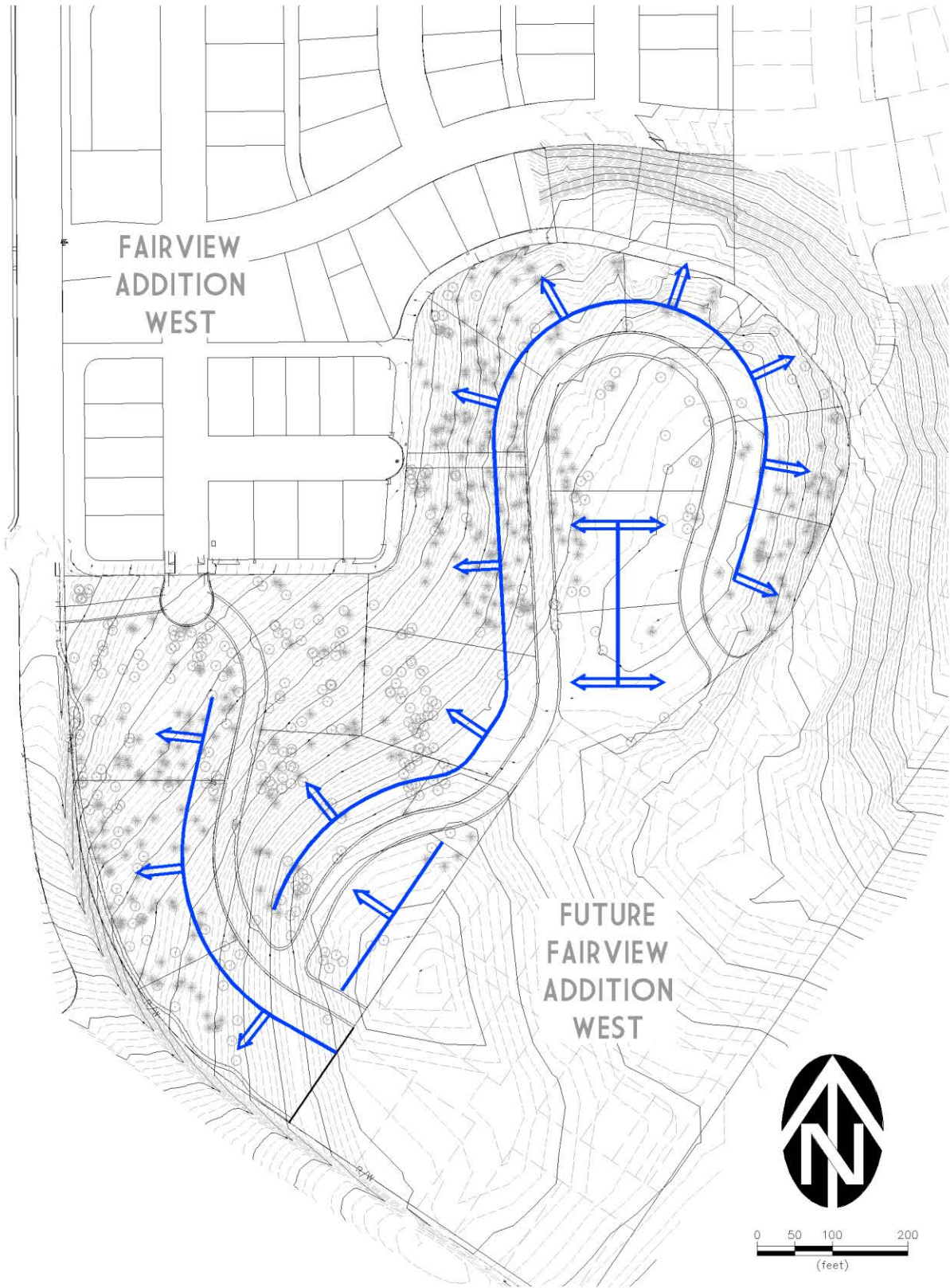


Figure 6: View Sheds

SECTION 10: MAINTENANCE OF INFRASTRUCTURE

Construction of public infrastructure including streets and public utilities will comply with the City of Salem Public Works Standards unless amended herein. The City will be responsible for maintenance of City utilities, public streets, and other improvements within the public right-of-way in The Woods Refinement Plan area. The remaining private streets, utilities, open spaces, common facilities, and community areas will be maintained by covenants, conditions, and restrictions established by The Woods Homeowners Association.

SECTION 11: CONSTRUCTION PHASING OF STREETS

Because of the number of lots and the size of the Parcel included in The Woods Refinement Plan area, there will be no phasing of the streets and improvements except for optional alley access. Some of the lots will have access from alleys built with the Fairview Addition West full build-out. While most of the homes will be accessed via the street—all of the lots work very well with driveways off of the street—in the future an owner may use the alley for access depending on timing of the home construction. Completion of the alley system in Fairview Addition West will provide future design options if and when they are built.

One of the challenges of this site is providing emergency vehicle access such that future homes do not require fire suppression (as the current building code would mandate). Once Fairview Addition west is complete, there is adequate emergency vehicle access for both The Woods and Fairview Addition West. Prior to the connection of Fairview Addition West Phase Zb, we provide access at the west side of The Woods. This will be exclusively for emergency vehicles (and pedestrians) but will not be used for everyday traffic. Breakaway bollards or another approved method will be installed at the entrance from Pringle Road to use in cases other than emergency use. See Figure 7 for more information.

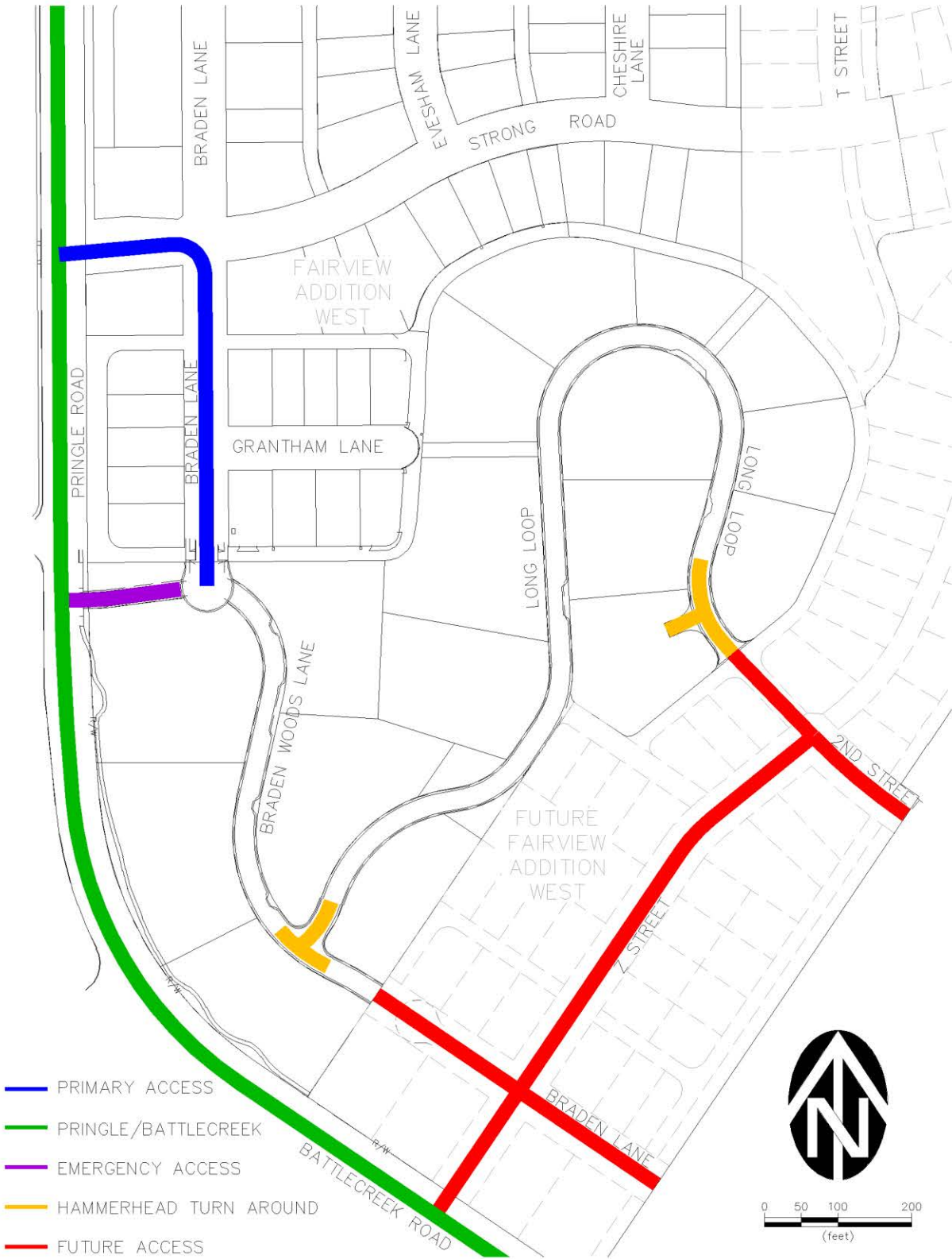


Figure 7: Emergency Vehicle Access

SECTION 12: STANDARDS FOR PHASING OF PUBLIC UTILITIES

Development of sewer, water drainage, power, traffic, and public utilities will be built in accordance with City standards. One exception is Lot 16 on Figure 1. It will not have adequate water pressure due to the elevations and current lack of availability of S-2 Water as defined by City of Salem Public Works. If The Woods is completed prior to Fairview Addition West phase Zb, this lot will remain unbuildable.

SECTION 13: PHASING SCHEDULE

As indicated above, no phasing for the infrastructure is planned.

SECTION 14: FINANCIAL ASSURANCES

The Fairview Addition property is subject to the 2005 Infrastructure Agreement executed by Sustainable Fairview Associates, LLC and the City of Salem. The Infrastructure Agreement is currently being updated. See **Section 22: Impacts on Existing Infrastructure and Public Services** for DDF responsibilities of The Woods.

SECTION 15: EXTENT TO WHICH THE REFINEMENT PLAN SUPPLEMENTS AND SUPERCEDES ADOPTED CITY REGULATIONS

Development standards in The Woods Refinement Plan are intended to support the general mission of the Fairview Master Plan as outlined in the SRC 530: FMU Fairview Mixed Use Zone. The project will comply with all standards set by the Salem Revised Code (SRC) and the City's Public Works Design Standards (PWDS) unless otherwise noted herein. See previous sections for a complete list of revisions and additions to the Fairview Master Plan to be used for the development of The Woods.

SECTION 16: STANDARDS FOR INTERPRETING THE REFINEMENT PLAN

Development of The Woods will be in compliance with standards and regulations set by the Fairview Master Plan and the Fairview Mixed-Use Zone. Where The Woods Refinement Plan differs from provisions in the UDC, the Refinement Plan shall govern.

SECTION 17: DESIGN GUIDELINES AND APPROVAL PROCESS

Development of The Woods Refinement Plan will be in compliance with the Salem Revised Code and the standards presented in this Refinement Plan. The design is ultimately intended to follow the regulations and guidelines outlined in the Fairview Master Plan. All plans will be reviewed by the City of Salem before implementation through plan review applications, and city standard requirements. Rules and regulations of The Woods Refinement Plan Area will be implemented and overseen by the conditions, covenants, and restrictions as established by The Woods Homeowners Association.

SECTION 18: GENERAL LANDSCAPE PLAN

The Woods will be composed mostly of natural landscaping and native plants found in wooded areas throughout the Willamette Valley. The Woods Homeowners Association will encourage the preservation of natural landscaping. Open Spaces will include areas of native vegetation, community agriculture, community buildings/structures, parks, trails, and drainage swales. Open Spaces include Oak Park and Little Oak Park. Both are intended as shared space (commons) for the greater neighborhood and community with emphasis on pedestrian and automobile access to each. Furthermore, Oak Park is easily accessible from the major open space in Fairview Addition West, the Amphitheater. For a visual representation of the landscaping plan, see Figure 8. (Note that the small triangular open space to the south of Little Oak park will be integrated into the adjacent future open space indicated in the Fairview Addition West Refinement Plan.)

Fencing and borders between properties will be handled differently than traditional 6 foot privacy fencing found in many subdivisions. Green Fencing will be permitted more extensively as well as border walls as per Section 6: Development Standards for FMU Zones,

Table 3. All walls and fencing at the boundary of lots will be built to allow for wildlife to pass easily across properties.

SECTION 19: GENERAL DRAINAGE PLAN

The general intent for storm water system design for this site includes:

1. Infiltration to the maximum extent feasible, up to the amounts necessary to meet or exceed City of Salem requirements for storm water quality and release rate control.

2. A variety of storm water facility types on lots, in the public right-of-way, and on open spaces are proposed to work in combination to meet City of Salem Standards:
 - a. Retaining walls and concrete walls constructed from concrete boxes. These provide both detention and infiltration, with overflow release to downstream systems.
 - b. On-site Rain Gardens. These provide infiltration with overflow release to downstream systems.
 - c. Drywells for roof runoff. These provide infiltration with overflow release to downstream systems.
 - d. Other Swales. The proposed design includes swales to serve both as infiltration facilities and water quality/pass through flow.
 - e. Pervious paving. Roads/sidewalks which have adequate grades and underlying infiltration rates to satisfy City of Salem requirements will be incorporated.
 - f. Water Quality Treatment. The final design will meet the City of Salem requirement to provide treatment for a minimum of 80% of the site.

3. Consistent with City of Salem design standards, existing impervious area was assumed to be undeveloped for the calculations. While not factored into the calculations, it should be noted that the “undeveloped site” is estimated to have more than a quarter acre of existing impervious area.

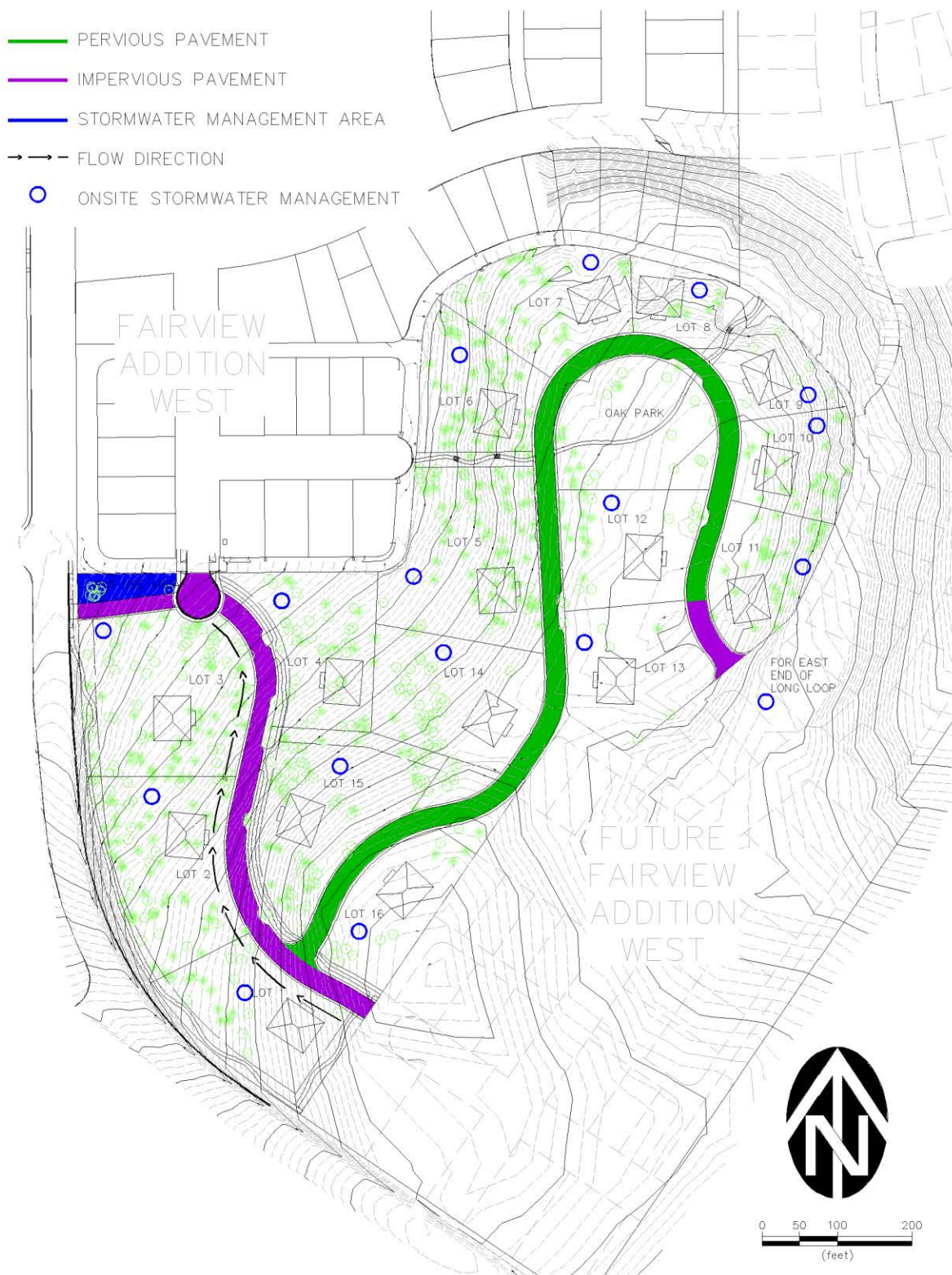


Figure 9: General Drainage Plan

SECTION 20: TRAFFIC IMPACT ANALYSIS REPORT

Kittleson & Associates has updated the 2016 Memorandum Traffic Impact Analysis. A summary of the results are indicated in the tables below with the complete report in Appendix D.

Table 1 The Woods Estimated Trip Generation

Land Use	ITE Code	Size (SF/units)	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Detached Single Family Housing	210	16	150	12	3	9	16	10	6
<i>Internal Reduction</i>			(0)	(0)	(0)	(0)	(0)	(0)	(0)
<i>10% TPR Reduction for Multi-Modal</i>			(15)	(1)	(0)	(1)	(2)	(1)	(1)
<i>Pass-by Reduction</i>			(0)	(0)	(0)	(0)	(0)	(0)	(0)
Net New Trips			135	11	3	8	14	9	5

As shown in Table 1, the development proposal is anticipated to generate approximately 135 net new daily trips.

Table 2 Cumulative Sustainable Fairview Estimated Trip Generation

Land Use	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
		Total	In	Out	Total	In	Out
Phase I – September 2005, <i>Pringle Creek</i>	1,770	140	40	100	160	95	65
Phase II – Revised February 2016 <i>Fairview Hills & Sustainable Fairview</i>	6,290	470	165	305	635	350	285
Phase III – June 2014, <i>Fairview Addition West</i>	3,210	235	60	175	330	205	125
<i>Fairview Woods Refinement Plan (March 2018)</i>	135	10	5	5	15	10	5
Cumulative Total Net New Trips (Phase I + Phase II + Phase III)	11,405	855	270	585	1,140	660	480

As documented previously in the March 2016 memorandum, the total cumulative daily trip generation had been documented as 11,270 daily trips. With the *Fairview Woods* addition, this estimate is increased by 135 daily trips, resulting in 11,405 daily trips as shown in Table 2.

SECTION 21: IMPACTS ON EXISTING STRUCTURES AND OTHER DEVELOPMENT

The Woods Refinement Plan area is bordered by the following structures and developments: Morningside Neighborhood to the west and Fairview Addition West on the other three sides. No existing structures exist on the property at the time of submittal nor is there development on the property.

The overall plan of the development has been designed to complement the Fairview Addition West Refinement Plan and greater Fairview community. Pedestrian and automobile connectivity while maintaining the extensive tree stand have been carefully considered as part of the overall design of The Woods as far finding long term sustainable and economically viable solutions. Tree preservation areas, pedestrian paths, pocket parks, and road connectivity are important components of how present and future Fairview Addition West refinement plan are carefully considered in this plan. While housing types may be somewhat different than the neotraditional layout of Fairview Addition West, both plans achieve a greater livability by the presence of the other.

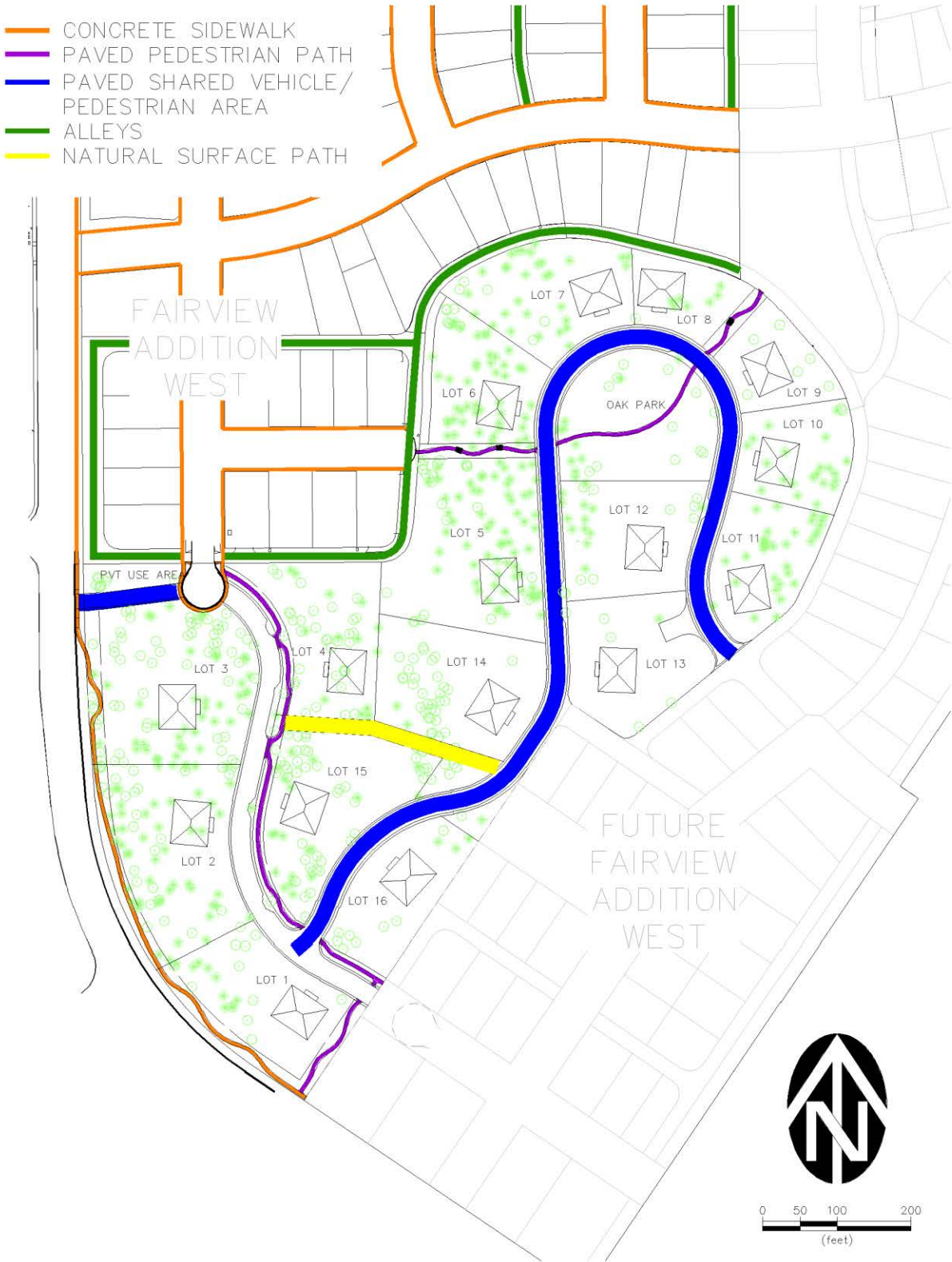


Figure 10: Pedestrian Pathways and Alleys

SECTION 22: IMPACTS ON EXISTING INFRASTRUCTURE AND PUBLIC SERVICES

The impacts of the development of the larger Fairview Master Plan are contemplated in the 2005 Development Agreement between the City of Salem and Sustainable Fairview Associates (Developer). Fairview Woods will only pay the DDF (Development District Fees), which will effectively match the normal SDCs (System Development Charges) for developments outside of the Fairview Master Plan.

The proposed water service for Fairview Woods will be via an 8-inch (S1) waterline at the south end of existing Braden Lane SE and an 8-inch (S1) waterline at the east end of existing Grantham Lane SE. Stubbed 8-inch water lines will be provided at the south end of Braden Woods Lane and the east end Loop Lane. All waterlines in Fairview Woods will be (S1) until an (S2) line is extended under a separate project to Fairview Woods for connection at the south end of Braden Woods Lane or the east end of Loop Lane. Upon connection to the (S2) service level the line in Loop Lane will be (S2). At that time the line in Braden Woods Lane will be (S2) south of Loop Lane and (S1) north of Loop Lane.

An 8-inch sanitary sewer will connect to the existing sewer at the south end of the existing Braden Lane SE that will serve lots adjacent to Braden Lane plus Lot 14 on Loop Lane. All other lots will be served by separate private service lines in easement from the public sanitary sewer line in Grantham Lane SE or Strong Road SE.

SECTION 23: LOCATION AND EXTENT OF SANITARY SEWER, STORM DRAINAGE AND UTILITIES

Sanitary sewer, storm drainage and water utilities will be public and constructed in conformity with city standards as outlined by the City of Salem Public Works requirements. Oregon Health Authority and DEQ stipulations will be met and fire hydrant construction will be in

accordance with the Fire Marshal's requirements. Final designs of these utilities will be submitted to the city before implementation.

SECTION 24: EXISTING "HISTORICALLY SIGNIFICANT" RESOURCES

The Fairview Master Plan report does not identify structures, sites, or buildings that are considered "historically significant" as defined by the Archaeological Cultural Resources Inventory and Assessment in the Fairview Master Plan, which locates specific resources of historical significance on Fairview Training Center Development. This evaluation can be found in Appendix E of this report.

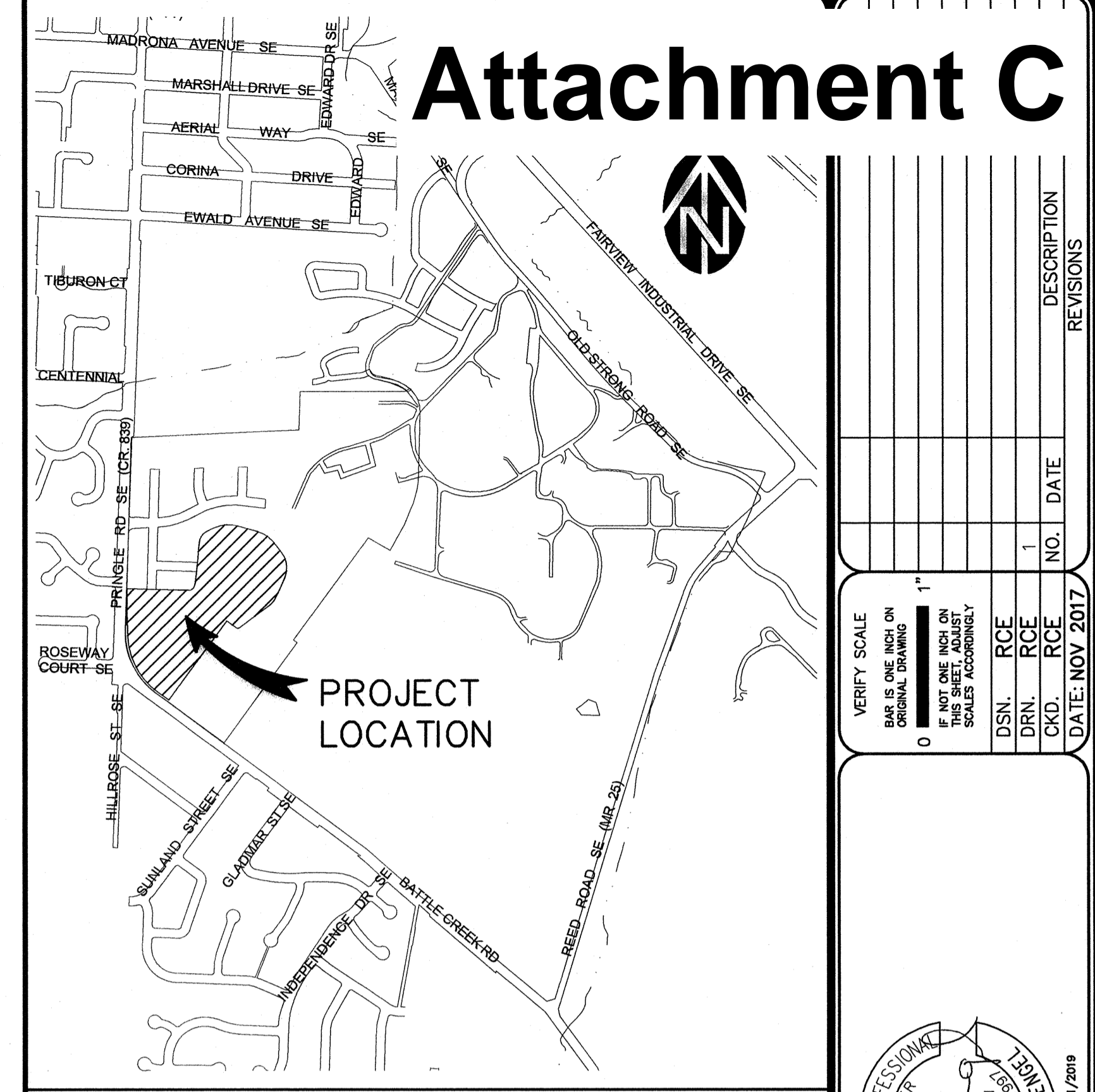
Site 5 on the Cultural Resources Inventory map shows a boulder approximately 240 cm long, 120 cm wide, and 75 cm tall. At time of publishing this refinement plan, additional investigations led experts to find no identifiable historic or prehistoric markings. The boulder will be preserved in accordance with archeological recommendation. See **Section 9: Methods of Protection or Conservation for Natural Features, Historic Structures and View Sheds** for more information.

DRAWINGS FOR:

Fairview Woods Subdivision Refinement Plan & Preliminary Plat

FOR:

Olsen Design & Development
PO Box 9
Monmouth, OR 97361
Contact: Eric Olsen
PH: (503) 838-1600

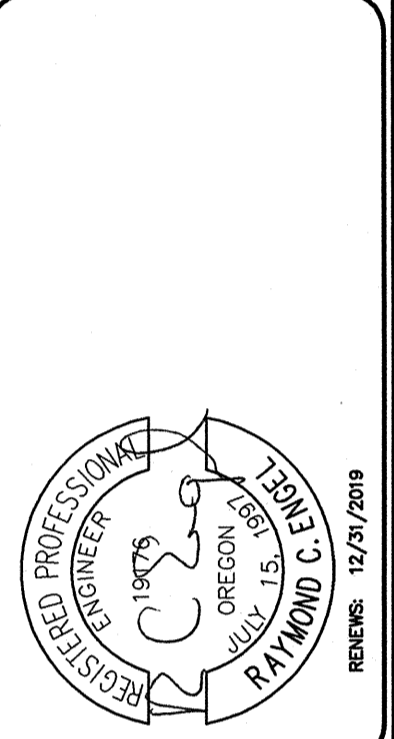


VICINITY MAP

SHEET INDEX	
SHT NO	DESCRIPTION
G-1	Cover Sheet
G-2	Existing Conditions
G-3	Overall Conceptual Grading & Drainage Plan
S-1	Overall Site Plan
S-2	Typical Street & Alley Sections
P-1	Street Profiles
U-1	Overall Utility Plan
O-0	Pringle-Battle Creek Existing Conditions
O-1	Pringle-Battle Creek Existing Conditions
O-3	Pringle-Battle Creek Proposed Improvements
O-5	Pringle-Battle Creek Profile
-	-
-	-

Attachment C

NO.	DATE	DESCRIPTION	REVISIONS
1			

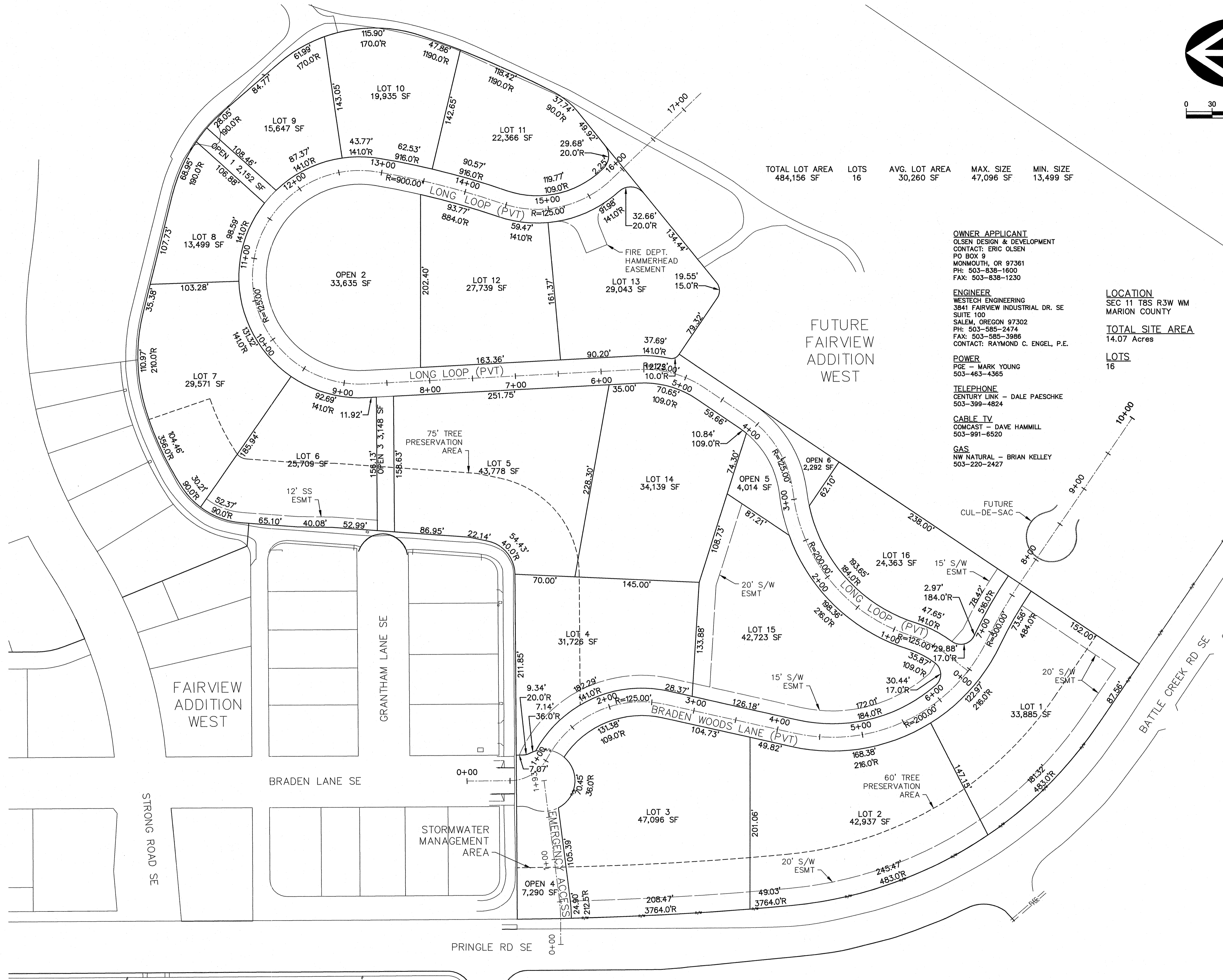


WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 565-2474 Fax: (503) 565-3986
E-mail: westech@westech-eng.com

Olsen Design & Development Monmouth, Oregon
Fairview Woods Subdivision
Refinement Plan & Preliminary Plat
Cover Sheet

DRAWING
G-1
JOB NUMBER
2834.0300.0

1/18/2019 8:13:29 AM
 R:\Dwg\Olsen\Fairview\Woods\Refinement\Plot\04_S-1_Site.dwg. (Plot tab)



TOTAL LOT AREA	LOTS	AVG. LOT AREA	MAX. SIZE	MIN. SIZE
484,156 SF	16	30,260 SF	47,096 SF	13,499 SF

OWNER APPLICANT
 OLSEN DESIGN & DEVELOPMENT
 CONTACT: ERIC OLSEN
 PO BOX 9
 MONMOUTH, OR 97361
 PH: 503-838-1600
 FAX: 503-838-1230

ENGINEER
 WESTECH ENGINEERING
 3841 FAIRVIEW INDUSTRIAL DR. SE
 SUITE 100
 SALEM, OREGON 97302
 PH: 503-585-2474
 FAX: 503-585-3986
 CONTACT: RAYMOND C. ENGEL, P.E.

POWER
 PGE - MARK YOUNG
 503-463-4365

TELEPHONE
 CENTURY LINK - DALE PAESCHKE
 503-399-4824

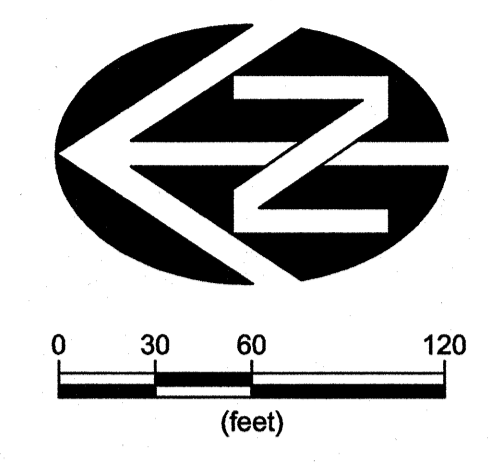
CABLE TV
 COMCAST - DAVE HAMMILL
 503-991-6520

GAS
 NW NATURAL - BRIAN KELLEY
 503-220-2427

LOCATION
 SEC 11 T8S R3W WM
 MARION COUNTY

TOTAL SITE AREA
 14.07 Acres

LOTS
 16



NO.	DATE	DESCRIPTION	BY
1	01-18-19	Plan Update	RCE

VERIFIED SCALE: 1" = 30'-0"

REGISTERED PROFESSIONAL ENGINEER
 RAYMOND C. ENGEL
 OREGON
 1976
 12/21/2018

WESTECH ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS

WE

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
 Phone: (503) 585-2474 Fax: (503) 585-3986
 E-mail: westech@westech-eng.com

Olsen Design & Development Monmouth, Oregon
 Fairview Woods Subdivision
 Refinement Plan & Preliminary Plat
 Site Plan

DRAWING
 S-1
 JOB NUMBER
 2834.0300.0

12/20/2017 1:00:31 PM
 R:\DWG\Olsen\Fairview\Woods\Refinement\Plot\03_G-3_Grading.dwg (Plot tab)



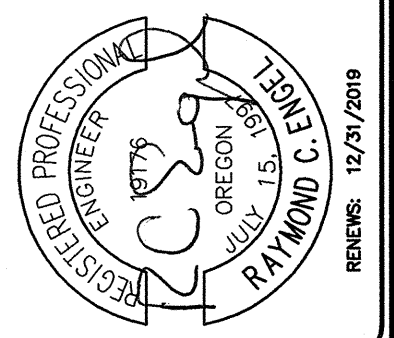
- GENERAL GRADING AND DRAINAGE NOTES
1. EXCAVATION FOR STREET GRADING IS INTENDED TO BE MINIMAL. THE UPHILL SIDE OF THE STREET IS TO MATCH EXISTING, AND THE DOWNHILL SIDE WILL GENERALLY BE ON FILL.
 2. LONG LOOP WILL BE PERVIOUS PAVEMENT, EXCEPT THE FAR EAST END.
 3. THE FAR EAST END OF LONG LOOP WILL STANDARD AC PAVEMENT AND RUNOFF WILL BE INFILTRATED IN A TEMPORARY INFILTRATION FACILITY IN THE FUTURE PHASE OF FAIRVIEW ADDITION WEST.
 4. BRADEN WOODS LANE WILL BE STANDARD AC PAVEMENT AND WILL BE INFILTRATED IN THE STORMWATER AREA NORTH OF THE EMERGENCY ACCESS.
 5. LOT DRAINAGE WILL BE MANAGED BY INDIVIDUAL INFILTRATION FACILITIES.

NO.	DATE	DESCRIPTION	BY
1			

VERIFY SCALE
 BAR IS ONE INCH ON
 ORIGINAL DRAWING
 IF NOT ONE INCH ON
 THIS SHEET, ADJUST
 SCALES ACCORDINGLY

DSN. RCE
 DRN. RCE
 CUD. RCE

DATE: NOV 2017

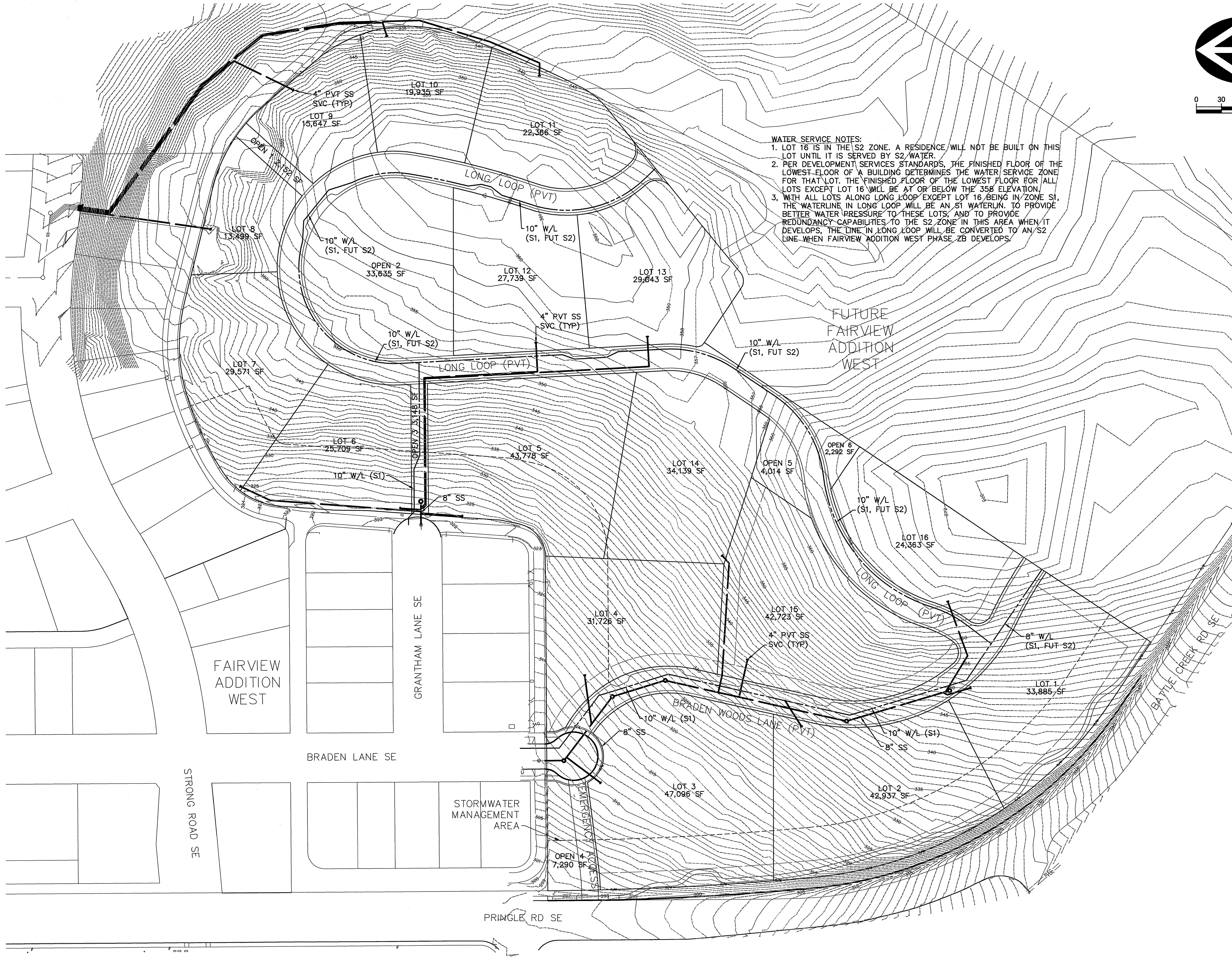


WESTECH ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS

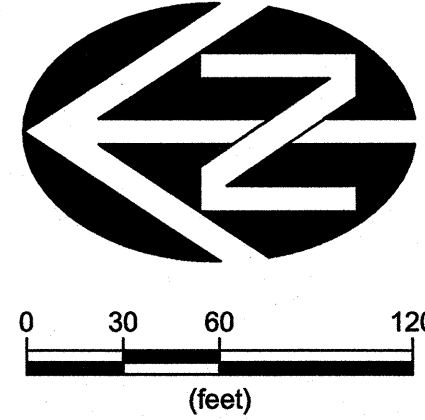
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
 Phone: (503) 585-2474 • Fax: (503) 585-3866
 E-mail: westech@westech-eng.com

Olsen Design & Development Monmouth, Oregon
 Fairview Woods Subdivision
 Refinement Plan & Preliminary Plot
**Conceptual Grading
 & Drainage Plan**

DRAWING
G-3
 JOB NUMBER
2834.0300.0



WATER SERVICE NOTES:
 1. LOT 16 IS IN THE S2 ZONE. A RESIDENCE WILL NOT BE BUILT ON THIS LOT UNTIL IT IS SERVED BY S2 WATER.
 2. PER DEVELOPMENT SERVICES STANDARDS, THE FINISHED FLOOR OF THE LOWEST FLOOR OF A BUILDING DETERMINES THE WATER SERVICE ZONE FOR THAT LOT. THE FINISHED FLOOR OF THE LOWEST FLOOR FOR ALL LOTS EXCEPT LOT 16 WILL BE AT OR BELOW THE 358 ELEVATION.
 3. WITH ALL LOTS ALONG LONG LOOP EXCEPT LOT 16 BEING IN ZONE S1, THE WATERLINE IN LONG LOOP WILL BE AN S1 WATERLINE TO PROVIDE BETTER WATER PRESSURE TO THESE LOTS, AND TO PROVIDE REDUNDANCY CAPABILITIES TO THE S2 ZONE IN THIS AREA WHEN IT DEVELOPS, THE LINE IN LONG LOOP WILL BE CONVERTED TO AN S2 LINE WHEN FAIRVIEW ADDITION WEST PHASE ZB DEVELOPS.



VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON SCALE, ACCORDINGLY		DATE: NOV 2017
DSN. RCE	DRN. RCE	NO. DATE
CKD. RCE	NO. DATE	DESCRIPTION
		REVISIONS
		BY
		RCE

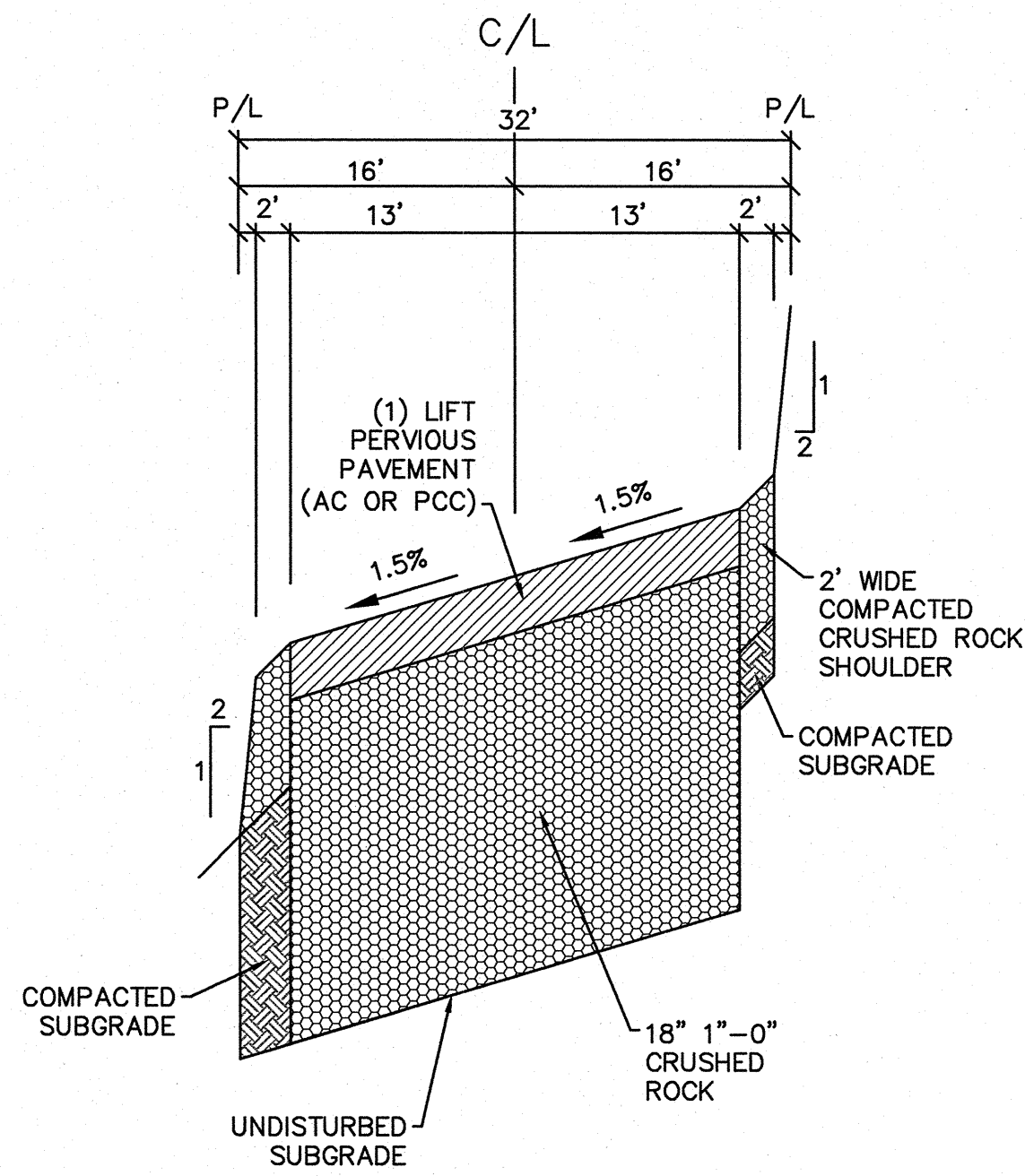
REGISTERED PROFESSIONAL ENGINEER
 WESTTECH ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS
 3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
 Phone: (503) 585-2474 Fax: (503) 585-3986
 E-mail: westtech@westtech-eng.com

WE

Olsen Design & Development Monmouth, Oregon
 Fairview Woods Subdivision
 Refinement Plan & Preliminary Plat
 Utility Plan

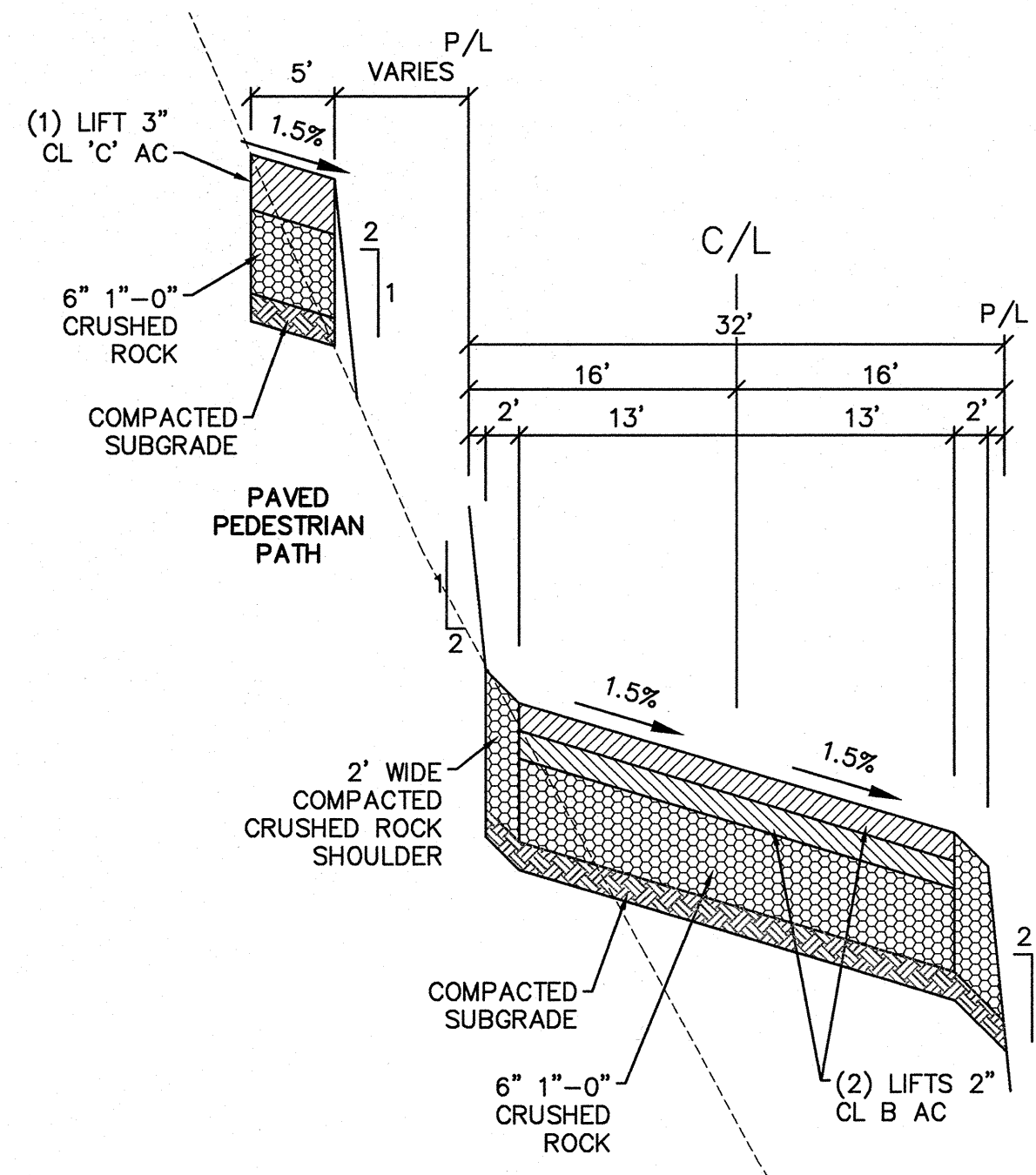
DRAWING
 U-1
 JOB NUMBER
 2834.0300.0

1/21/2019 2:52:01 PM
 R:\dvg\Olsen\Fairview\Woods\Refinement\Plot\05 S-2 Sections.dwg. (Plot tab)

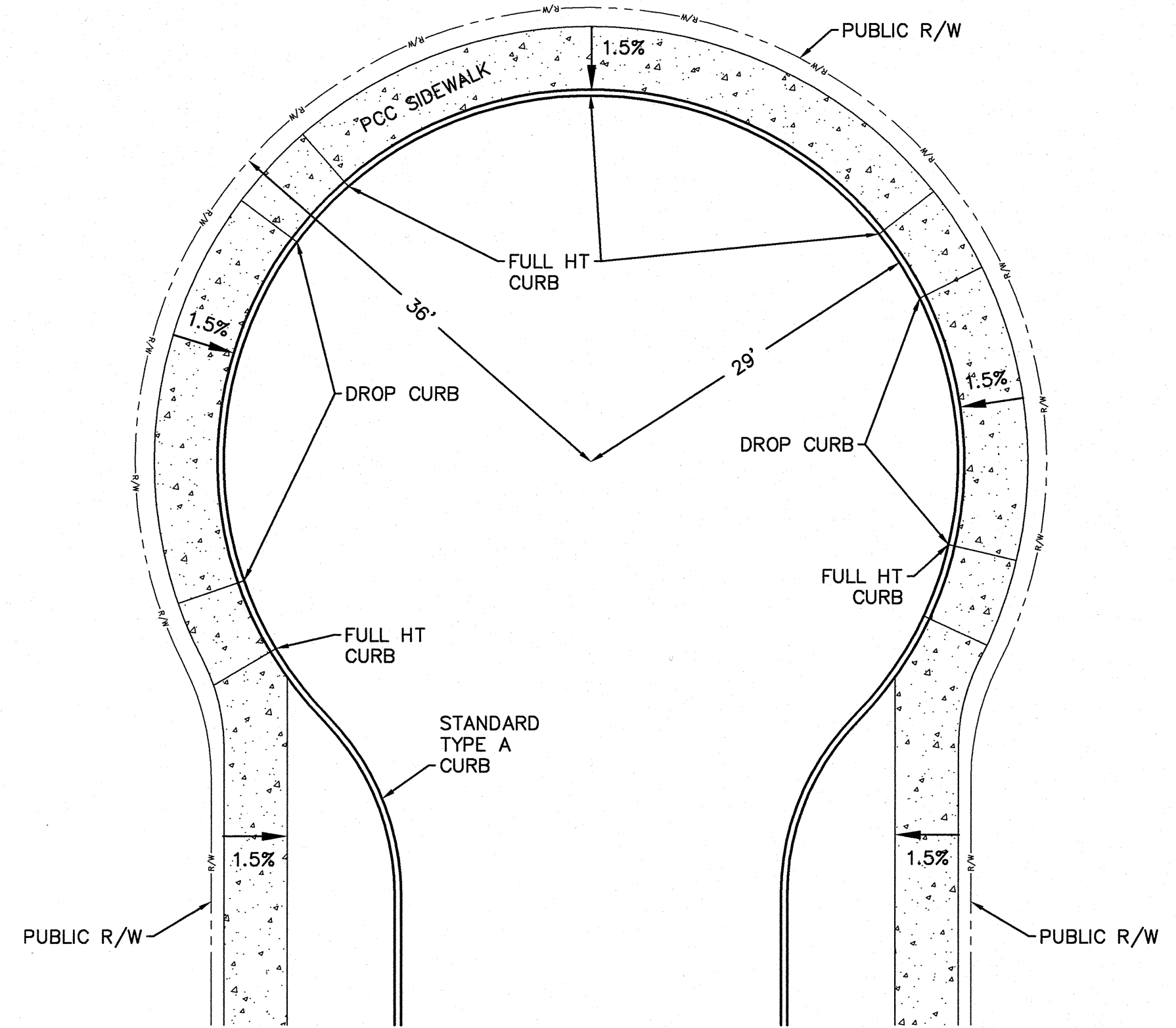


NOTE: FROM STA ±15+00 TO EAST END PAVING SHALL BE STANDARD AC PER BRADEN WOODS ROADWAY SECTION.

LONG LOOP (PRIVATE)
 START TO STA ±15+00

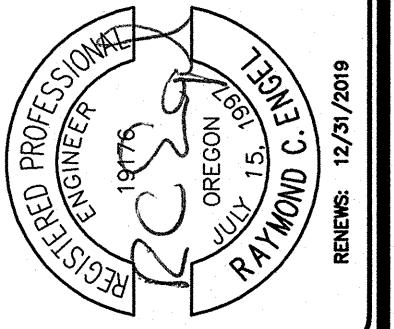


BRADEN WOODS LANE (PRIVATE)



BRADEN LANE
CUL-DE-SAC

VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON SCALE ACCURACILY	1"
DSN. RCE	RCE
DRN. RCE	RCE
CKD. RCE	RCE
DATE: NOV 2017	NOV 2017
NO. 1	1
DESCRIPTION	Plan Update
REVISIONS	BY



WESTECH ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS

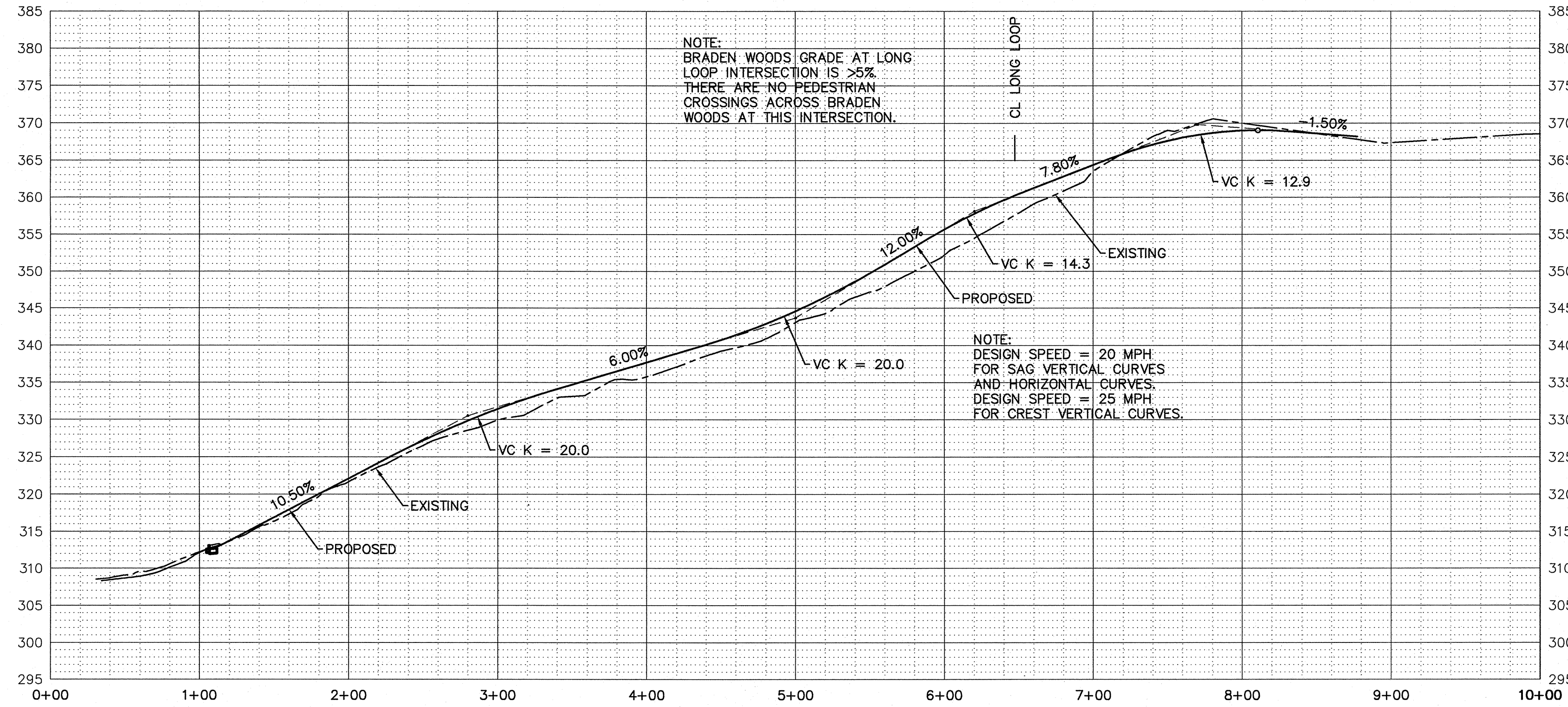
WE

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
 Phone: (503) 585-2474 Fax: (503) 585-3986
 E-mail: westech@westech-eng.com

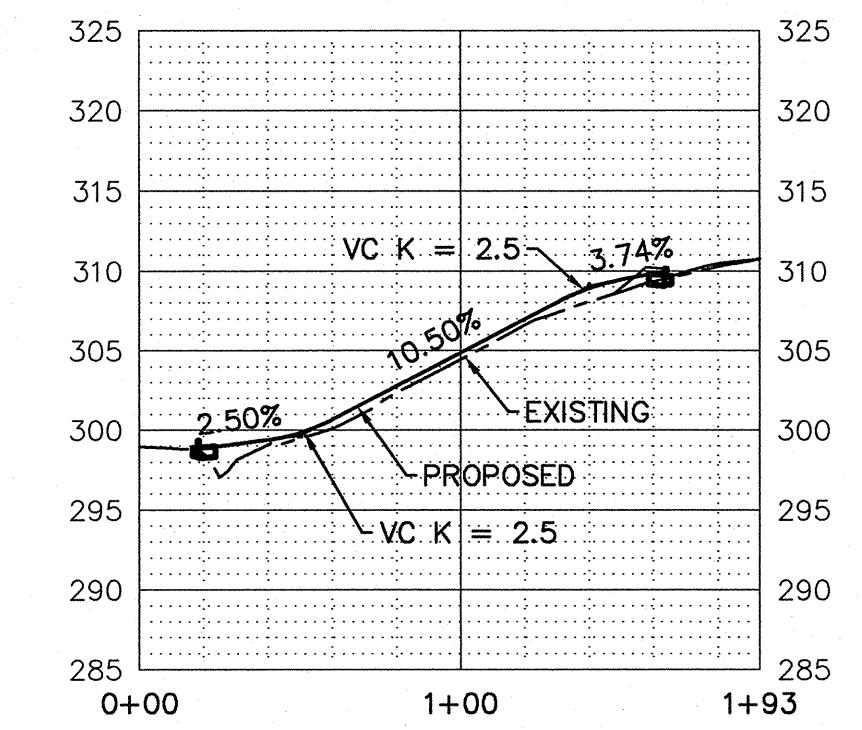
Olsen Design & Development Monmouth, Oregon
 Fairview Woods Subdivision
 Refinement Plan & Preliminary Plat
**Typical Street &
 Alley Sections**

DRAWING
S-2
 JOB NUMBER
2834.0300.0

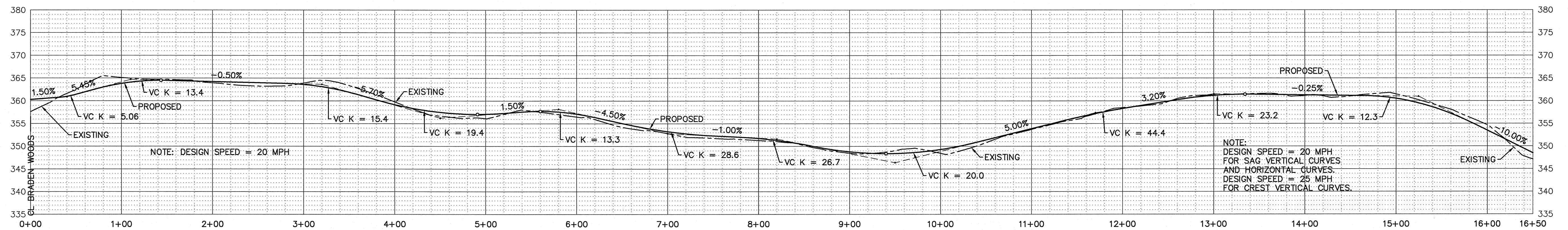
BRADEN WOODS LANE (PVT)



EMERGENCY ACCESS (PVT)



LONG LOOP (PVT)



1/18/2019 8:15:18 AM
R:\Dwg\Olsen\Fairview\Woods\Refinement\Plot\06 P-1 Profiles.dwg (Plot tab)

NO.	DATE	DESCRIPTION	BY
1	01-18-19	Plan Update	RCE

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON SCALES ACCORDINGLY

0

DATE: NOV 2017

REGISTERED PROFESSIONAL ENGINEER
19376
OREGON LICENSE
RAYMOND C. TEBEL
REVIEWS: 12/21/2018

WESTTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westtech@westtech-eng.com

Olsen Design & Development Monmouth, Oregon

Fairview Woods Subdivision
Refinement Plan & Preliminary Plat

Street Profiles

DRAWING
P-1

JOB NUMBER
2834.0300.0



Morningside Neighborhood Association

Attachment D

July 18, 2019

Bryce Bishop
City of Salem
555 Liberty Street SE, Room 325
Salem, OR 97309-3513

RE: Case No. FRP-ADJ-SUB-901 – Fairview Woods – Refinement Plan – Response

Dear Mr. Bishop,

At its July 10, 2019 meeting, Morningside Neighborhood Association (MNA) Board heard a presentation about the refinement plan for Fairview Woods residential development by developer Eric Olsen. In attendance at the meeting were several persons who had registered concern or opposition to the plan at the July 9th Planning Commission hearing. Due to shortness of advance notice on the matter, MNA was unprepared to take a position on the subject at the time. A quorum of the Board subsequently met on July 16th and by non-unanimous vote, decided on a position in favor of Mr. Olsen's plan, with the following caveats:

- Developer and covenants must construct, provide and maintain pedestrian pathway continuity separate from vehicle roadways throughout the 14.7 acres, and assure the pathways are accessible and usable by the general public;
- Developer ensure continued maintenance of and access to open space in the HOA covenants;
- Developer and home design and construction must preserve and protect from damage as many trees as possible – especially those identified as “significant” in the tree inventory and with special emphasis on healthy Oregon white oak (*Quercus garryana*);
- Developer shall provide an opportunity for MNA to review final development plan(s) before submittal to City.

The committee's vote on approval of the plan with the above caveats included six in favor, one opposed and one abstention.

Sincerely,

Pamela Schmidling, MNA Chair

Cc: R. Reed; G. James; J. Bubl; T. Phillips; B. Yows; A. Meyer; M. Meyer;
A. Tocchini; E. Dowd

Bryce Bishop

From: Brian Hines <brianhines1@gmail.com>
Sent: Thursday, June 27, 2019 3:30 PM
To: Bryce Bishop
Subject: Fairview Woods

Mr. Bishop, my comments are in support of the Olsen Design and Development refinement plan for the Fairview Woods area. Along with my wife, we were members early on of Sustainable Fairview Associates (we owned shares in SFA for several years).

As SFA members, we took part in discussions of how the Fairview property should be developed in accord with sustainable principles. Since, there's been quite a bit of backsliding from those principles, with the notable exception of Pringle Creek Community.

Fairview Addition has been another bright spot. My wife and I were the first to put down a deposit on a Fairview Addition lot, but circumstances led us to remain in our current home for the time being.

Since, we've followed the progress of Fairview Addition, and noted the current plan for Fairview Woods. This is a special part of the Fairview property, sitting as it does at the crest of the hill and being heavily treed. It's great to see that Olsen Design and Development is utilizing many sustainable principles in the plan for Fairview Woods.

I've read the Fairview Woods plan and like it a lot. It certainly is in the spirit of the original vision for Sustainable Fairview, even though that vision has necessarily become diluted for a number of reasons. Hopefully the Fairview Woods plan will be approved by the City of Salem.

Sincerely,

Brian Hines
10371 Lake Drive SE
Salem, OR 97306

Brian Hines
Salem, Oregon USA
brianhines1@gmail.com
<https://www.facebook.com/OregonBrian>
<https://www.facebook.com/StrangeUpSalem>
<https://www.facebook.com/SalemPoliticalSnark/>
<http://twitter.com/oregonbrian>
www.hinesblog.com (blog)
www.churchofthechurchless.com (other blog)
www.salempoliticalsnark.com (other other blog)
www.brianhines.com (web site)
<http://brianhines.journoportfolio.com> (selection of my writings)

Bryce Bishop

From: Geoffrey James A.I.A. <gjamesarchitect@gmail.com>
Sent: Sunday, June 30, 2019 4:05 PM
To: Lisa Anderson-Ogilvie; Bryce Bishop
Cc: Schmidling, Pamela; alan tocchini MNA; Alan Meyer; Meyer, Muriel; Richard Reid; Sue Reid morn. side church/MNA; Trevor Phillips; Bob Krebs MNA; James, Geoffrey; Bennie Yows MNA
Subject: THE WOODS FRP-ADJ-SUB 19-01
Attachments: City of Salem re The Woods 07-01-2019.pdf

Attached is a letter (just from myself) regarding this proposed Subdivision of The Woods with a hearing scheduled for July 10.

Please add this to the hearing Record.

Unfortunately the developer did not contact MNA.

Unfortunately City Staff notified MNA Land Use after the June meeting and set a public hearing for the day before the July meeting.

The attached letter contains my position against removal of all these trees in The Woods Open Space and creating lots and home sites in a previously designated planned Open Space area.

This hearing should be delayed this until the neighborhood has met, so MNA can develop their recommendations for this matter.

Geoffrey James

Geoffrey James

Lisa Anderson-Ogilvie
Planning Administrator
City of Salem

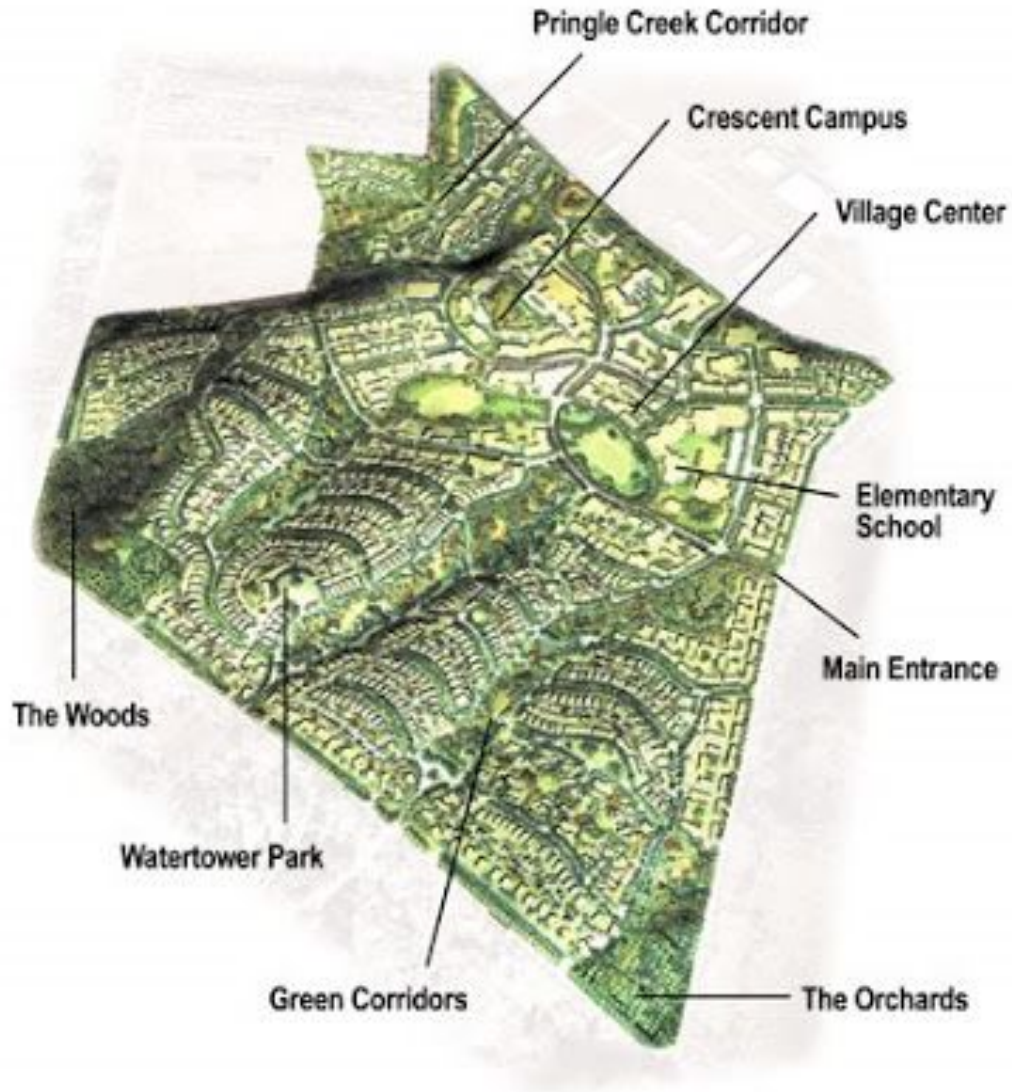
July 1, 2019

Fairview Master Plan: The Woods: Case: FRP-ADJ-SUB 19-01

Dear Ms. Anderson-Ogilvie:

I OBJECT to this proposal to subdivide The Woods open space into residential lots, for many reasons, explained on Page 4.

1. In approximately year 2000 the neighborhood participated in the design charette that produced the Fairview Master Plan for Sustainable Fairview's 275 acres.
2. The Master Plan was approved by Morningside Neighborhood Association.
3. The Master Plan was approved by Salem Planning Commission
4. The Master Plan was approved by The Salem City Council.
5. The Master Plan allows a Town Center, some high-density housing, and open space areas to compensate, e.g. The Woods, a protected wooded area off Battle Creek.
6. Over the next decade or two the Fairview area was sold off in partitioned acreages.
7. The Pringle Creek Community was the first, and it meets the standards and policies of the Fairview Plan.
8. There was a bankruptcy and the south part apparently changed hands twice. Apartments were planned, by 1 or two applicants, but Simpson Hills has never happened, and ugly gravel mountains remain, next to dangerous and narrow Reed Road, that none of these phases or tracts is planning to widen and improve, even though is a major access.
9. A neighborhood 5-acre park is in the Plan, but instead the City acquired more land for a future Community Park.
10. The Town Center and high-density housing, with that adjacent neighborhood park, was supposed to be in that east area, but that plan has deteriorated into conventional 3-story apartment blocks.



THE ADOPTED FAIRVIEW MASTER PLAN



FAIRVIEW ADDITION MASTER PLAN

11. Fairview Addition single family housing subdivision is being developed in several phases, off Battlecreek Road near Leslie Middle School and Pringle Creek Community. The presented plans (see above) showed two things. The subdivision would wrap around The Woods open Space. In addition, their plan showed an Oak Grove within the subdivision phase that would wrap around the Woods.

Geoffrey James

12. This current proposal violates that in two ways. (a) this month there is this subject plan that now wants to subdivide The Woods open space into residential lots. (b) in June the adjacent Subdivision area was clear cut of trees, so the "Oak Grove" suddenly disappeared overnight. Even the City staff was unaware this work was going on, that Battlecreek was closed (by flaggers) and that the trees were being removed and the ground contamination was scraped and removed. (A previous proposal was to bury the DDT contamination in trenches between the trees). MNA did not really like that idea.
13. The adopted Fairview Master Plan is therefore violated in that it, like any genuine Planned Development, ensured that there is compensating open space area, in return for allowing higher density development at the east end. The current strategy is to sell off tracts to developers, to produce a refinement plan for each tract, and now, actually even now propose that the approved Open Space be developed.
14. The excuse or mitigating strategy is that these are large lots, so effectively save the trees. They do not. Examination of the submitted (and fuzzy) Tree Preservation Plan shows many inaccuracies and deceptive practices. (a) Existing trees are shown as circles. However, then the applicant imposes rectangles on the map apparently representing future house sites or envelopes, so actually encompassing these trees. So, all those trees are doomed, and lost. We all know that utility lines, driveways, parking, etc. will remove many other trees in each proposed lot. (b) a 60 ft. tree preservation buffer is indicated at Battlecreek frontage. However, a third of this is labelled a utility easement. Therefor it is deceptive to imply that this area will save trees, when it to be trenched for utility lines.

Geoffrey James

15. LACK OF NOTIFICATION

Finally. This is a violation of the Ordinance requiring developers to contact the neighborhood, and in this case, to come to Morningside Neighborhood Association to present their plans. I checked with the Land Use Chair and the Transportation Chair and no application or correspondence has been received from the Applicant.

16. LACK OF NEIGHBORHOOD COORDINATION

This is also a violation of Neighborhood Involvement Process. Morningside Neighborhood Association meets at 6.30 on the 2nd. Wednesday of each month, at Painters Hall, in Pringle Creek Community, at Fairview, i.e. a short walking distance away. A few days after MNA's June meeting the City sent out a Notice of this proposed Subdivision of The Woods. Then they set a Public Hearing for July 9, knowing well that that would be 24 hrs. BEFORE the July MNA meeting on July 10. Deliberately avoiding the Neighborhood like this is a Violation, and I am sure that the City Council will be discussing this violation, by developer, and by City.

17. RECOMMENDATION:

DENY this proposal to subdivide the designated open space in the master plan into residential lots, that includes a defective and misleading Tree Plan that has too many errors, and that violates the Fairview Master Plan for open space.

DELAY any discussion or deliberation until the Neighborhood meeting and until Morningside can meet and discuss this proposal and provide Neighborhood recommendation for a Public Hearing.

Sincerely.



Geoffrey James

Bryce Bishop

From: Alan Tocchini <a.tocchini@comcast.net>
Sent: Sunday, June 30, 2019 5:44 PM
To: 'Geoffrey James A.I.A.'; Lisa Anderson-Ogilvie; Bryce Bishop
Cc: Schmidling, Pamela; 'Alan Meyer'; Meyer, Muriel; 'Richard Reid'; 'Sue Reid morn. side church/MNA'; 'Trevor Phillips'; 'Bob Krebs MNA'; 'James, Geoffrey'; 'Bennie Yows MNA'
Subject: RE: THE WOODS FRP-ADJ-SUB 19-01

I don't entirely agree. I think they should give special protection to the oak grove – eliminate the invading and over-topping D-firs – especially in the “park-preserve part.

Al T

From: Geoffrey James A.I.A. [mailto:gjamesarchitect@gmail.com]
Sent: Sunday, June 30, 2019 4:05 PM
To: Lisa Anderson-Ogilvie; Bryce Bishop
Cc: Schmidling, Pamela; alan tocchini MNA; Alan Meyer; Muriel Meyer; Richard Reid; Sue Reid morn. side church/MNA; Trevor Phillips; Bob Krebs MNA; James, Geoffrey; Bennie Yows MNA
Subject: THE WOODS FRP-ADJ-SUB 19-01

Attached is a letter (just from myself) regarding this proposed Subdivision of The Woods with a hearing scheduled for July 10.

Please add this to the hearing Record.

Unfortunately the developer did not contact MNA.

Unfortunately City Staff notified MNA Land Use after the June meeting and set a public hearing for the day before the July meeting.

The attached letter contains my position against removal of all these trees in The Woods Open Space and creating lots and home sites in a previously designated planned Open Space area.

This hearing should be delayed this until the neighborhood has met, so MNA can develop their recommendations for this matter.

Geoffrey James

Bryce Bishop

From: Jerry Mumper <jmumper@toast.net>
Sent: Friday, July 05, 2019 6:56 AM
To: Bryce Bishop
Subject: Hearing

Bryce.

I am asking that the July 9, 2019 public hearing on case no. FRP-ADJ-SUB 19-01 be postponed as the staff report was not available before the seven day minimum time as required by SRC 300.620.c.

Jerry Mumper

Bryce Bishop

From: NANCY HELEN DANIEL <ndchv@comcast.net>
Sent: Monday, July 08, 2019 2:35 PM
To: Bryce Bishop
Cc: Eric Olsen; geoffreyjames@comcast.net
Subject: THE WOODS Fairview Refinement Plan/Class 2 Adjustment / Subdivision Case No. FRP-ADJ-SUB 19-01
Attachments: to Planning Commission.docx

Mr. Bishop,

I live at 4101 Braden Lane SE in the Fairview Addition. Attached is my letter stating my objections the proposed Refinement Plan. Please include it in your deliberations and make it available to all decision makers and at the hearing, as regulations and procedures allow.

Nancy Daniel

To: City of Salem Planning Commission
From: Nancy H. Daniel, resident Fairview Addition
Subject: The Woods. Case No. FRP-ADJ-SUB19-01

July 8, 2019

I have read the Staff Report recommending approval of the proposed Fairview Woods Refinement Plan. The report has taken care to base its recommended approval contingent upon 15 significant changes in the plan.

I have read the developer's proposal. He has made his best effort to honor the principles and goals governing the redevelopment of the entire 275 acres of the old Fairview Training Center, as set forth more than a decade and a half ago in the Fairview Master Plan.

I read the governing Fairview Training Center Redevelopment Master Plan before making an earnest money payment on a lot in the Fairview Addition, a full year before just the infrastructure for phase 1 was completed. The principles of sustainable land use and ecological systems were major factors in my decision to build a home in the Fairview Addition.

If development were the only, or best use, option for this 14.07 acre parcel, both the planning agency and the builder have done their best to assure the proposed new subdivision be compatible with the overall aims of FTCT Master Plan.

However, it appears that the driving force for development of this parcel into a subdivision of million dollar single family residences on large lots is the desire of the owners to sell the property and maximize the return on their investment. To approve this subdivision to accommodate the owners' desire to sell the property is to violate the public trust in the original FTCT plan.

Development is NOT the best use for this land. There are very good reasons the FTCT master plan does not depict not developing this parcel as a housing subdivision. Goal #6 **Respect the Landscape**..Large existing forest blocks and wetlands are preserved and, will be expanded, over time." (my emphasis)

If this goal can so easily be abandoned, how many other goals will vanish, or be altered so as to be unrecognizable, for the sake of private interest?

Goal #10 Wide green corridors ? Goal #13 Walking every day?

First SAVE THE TREES.

The value of every mature tree as a carbon sink in this time of climate crisis cannot be overstated. Additional roofs and driveways as well as non-permeable asphalt for the main road will create more run-off water and reduce the amount of open land to absorb and filter water.

This Refinement plan may appear to be in compliance with the letter of the FTCT Master Plan, but falls short on the spirit of the plan. Salem Municipal Code SRC CHAPTER 530.*

The proposal identifies 115 trees to be removed, however it fails to directly acknowledge that additional trees will be removed to make space for the footprint of each house, for driveways and auxiliary buildings permitted. Is this the potential additional 156 trees to be removed, leaving only 64% of all existing trees? (p. 28 of proposal)

Zone 1, a perimeter represented as a buffer zone between existing homes in Fairview Addition West and the proposed new large lots, is to retain 90-95% of the existing trees. All of that land is included in the proposed lots. The trees are “protected” until final occupancy. Once each lot is sold, the trees are on private property. Even if deeds contain restrictive covenants, enforcement is likely to be complaint driven. There is a mindset among some people that they will do as they please and apologize later. A tree cannot be Un-cut.

Appendix E, of FTCR Exhibit 4, pp 8-9, “Native Plants Found on Site” lists some 50 native plant species existing in the woods and elsewhere on the FTC property. Many are sedges, herbs, rushes, shrubs and plants often called weeds, which would likely be destroyed on residential lots, degrading the rich diversity of this ecosystem.

The **second** and equally important reason is that The Woods is the perfect location for a wild space for children to explore and experience the joy of discovery. Unsupervised, outdoor play is vital for children to develop a connection to nature and encourages their natural curiosity.

The benefits of children playing together unsupervised in unstructured environments are countless: They learn creative thinking, how to fail and succeed; develop initiative, build resilience, how to negotiate and resolve conflict and regulate their own emotions. They develop a sense of self-control and self-confidence; how to share. In wild places they develop courage, are introduced to the skill of analyzing patterns, develop an ability to judge and manage risk and the ability to make decisions.

These are the seeds of the next generation of inventors, entrepreneurs, healers and leaders.

Children’s lives are driven by families’ busy schedules, an emphasis on structured team sports and specialized lessons, over-reliance on electronic media for entertainment, and often a “culture of fear,” in which parents are afraid to allow their children to go outside away from their view.

We need to provide environments in which children feel comfortable and parents feel confident to let them use on their own. The Woods can be that place: for hikes, fort building, overnight camp outs, hide and chase games, or just a place to be quiet alone to look and listen. The land should be minimally disturbed, and managed only to remove or change any condition, structure or plant that could cause permanent harm. It is (or will be) surrounded by homes (better than a fence) so parents can be assured it is safe and enclosed, not open to vagrants, as public parks or open woods are.

For these reasons I oppose the development of the subject parcel as a subdivision of homes. The city need not accommodate property owners by bending the letter of Section 530 ordinance and overlooking the spirit of the FTCT plan.

A quick internet search brought up a list of 27 environmental organizations that operate in Oregon, and it didn't even include the Nature Conservancy. I believe the property owners should be encouraged to find an organization willing to partner with the City of Salem to preserve this existing natural area as open space as specified in Section 530 if they are unable or unwilling to do so themselves.

Respectfully submitted,

Nancy H. Daniel,

4101 Braden Lane SE, Fairview Addition

503-581-7458 ndchv@comcast.net

*- FMU—Fairview Mixed-Use states, in part, (my emphasis):

Sec. 530.001. - Purpose.

The purpose of the Fairview Mixed-Use (FMU) Zone is to implement the mixed-use designation of the Salem Area Comprehensive Plan . . . through which allowed uses . . . and development *standards* are *established* that:

(a) Encourage . . . ***improved protection*** of open spaces and natural features . . . (d) Support ***affordable housing*** options and mixed-income neighborhoods; (g) ***Preserve***, to the greatest extent possible, ***existing natural areas and open space*** that may not otherwise be protected through conventional development; (i) Encourage energy conservation and ***improved air and water quality***.

Sec. 530.065. - Natural resource guidelines (a) The presence of natural resources within the FMU zone . . . ***existing natural resources will be protected***. . . through compliance with . . . SRC chapter 808 (Preservation of Trees and Vegetation); (b) The Fairview plan and any subsequent refinement plan shall consider all of the following: (2) The ***existence and use of native plant species***, . . . (3) The ***integrity of mature stands of trees*** that are in good health; (4) The minimization of the amount of impervious surfaces near all waterways; and (5) Significant ***wildlife habitat***.

Bryce Bishop

From: Rajan Nair <rvlenair@gmail.com>
Sent: Monday, July 08, 2019 10:34 PM
To: Bryce Bishop; geoffreyjames@comcast.net
Subject: Fairview Refinement Plan Case No. FRP-ADJ-SUB19-01

To whom it may concern:

My wife and I are writing ***IN SUPPORT*** of the Refinement Plan noted above. We currently reside in Fairview Addition on Braden Lane. We have reviewed the documents associated with the refinement plan, and we feel that the proposal to develop the 14 acre parcel into 16 homesites averaging about 1 acre each, while preserving green spaces, the majority of the current trees, and allowing for pedestrian and bike paths, offers an excellent option for use of the land. As it is currently, the land appears abandoned and is littered with refuse.

I should note that my wife and I have a long history with Eric Olsen, as he built our previous custom home in West Salem almost 12 years ago. Given his vision both for homes and community (based on the other communities that he has developed in Monmouth and Salem), we were happy to downsize to our current residence in Fairview Addition. I'm convinced that Eric will bring his ethics of responsible stewardship of land and resources that he has brought to his other projects. I think the proposed Refinement Plan is in keeping with the spirit of the Fairview Master Plan.

If you have any questions for us, please feel free to contact us through this e-mail address.

Best,
Rajan ("Raj") and Lisa Nair
4115 Braden Lane SE
Salem, OR 97302

Bryce Bishop

From: K Daniel <katherinelouisedaniel@gmail.com>
Sent: Monday, July 08, 2019 11:41 PM
To: Bryce Bishop
Subject: Fairview Woods refinement plan comments
Attachments: Fairview Woods comment letter.docx

Dear Mr. Bishop,

I am unable to attend the hearing tomorrow evening, but I hope you will convey my written comments attached herewith to the Planning Commission before tomorrow's meeting.

Thank you.

Yours sincerely,
Katherine Daniel

July 8, 2019

To Whom It May Concern:

I am a resident of the Fairview Addition and am an AICP Planner by profession working currently with the Department of Land Conservation and Development. My former employment was as the Deputy Planning and Zoning Director for Westport, Connecticut. I was excited to accept a position in a state whose land use laws are known throughout the US for a focus on environmental quality and for an integrity that respects the public process that is the foundation of building great communities.

The proposed Fairview Woods Refinement Plan does not appear to reflect the apparent intent of Goal 6 of the Fairview Training Center Redevelopment Master Plan: Respect the Landscape, in that it does not work with the landscape, but proposes to diminish the wooded area so carefully described in the FTCT Master Plan (the Plan) Annex 4 Natural Resources Inventory.

The Plan does not contemplate the development of the “The Woods” as shown by the Illustrative Plan and photo of “Existing Mature Tree Canopy” shown on page 6 of the Plan. Other illustrations in the Plan show conceptual interconnected streets, sidewalks and paths (pages 9, 13 and 15), but none of them demonstrate an intent to develop the area called out in the Illustrative Plan as “The Woods”. Under the heading Forested Habitat and Wildlife Corridors the Plan, on page 12, the Plan states “Another mature grove of fir trees is located atop the northwester edge of the site. It also will be protected and enhanced as neighborhood park or community open space. Scrub oak and native plants at the southwestern edge of the property will be protected for their ability to serve as wildlife habitat and as an ecological buffer.” Further on in that section the Plan states that “To the extent possible existing healthy trees will be preserved.” Annex 4 Natural Resources Inventory describes a number of stands of fir and oak in The Woods, but does not include a map of the location of these stands. The proposed Fairview Woods refinement plan should, at the very least seek to preserve those stands of particular diversity and integrity. Certainly the removal of Significant Oak Trees should be avoided in order to fulfill the objective of Respecting the Landscape.

If the The Fairview Woods refinement plan is allowed to be smaller than the required 40 acres due to its integration with the Fairview Addition refinement plan, then it should be phased along with the Fairview Addition.

ORC Section 530.030 lays out the criteria by which refinement plans are to be analyzed and the second of which is that they consist of 40 acres or more. The Woods consists of less than half that area. The reasoning accepted in the staff report as satisfying the criteria for allowing this reduced size stand alone refinement plan is “*Because the proposed Fairview Woods refinement plan is completely surrounded by the Fairview Addition West refinement plan and because both refinement plans are being developed by the same applicant, share the same underlying development principles and concepts, and are physically integrated in term of access and open space, the smaller 14.07 acre refinement plan size requested with this adjustment equally meets the underlying purpose of the minimum refinement plan size standard be ensuring that the planning and development of the Fairview site is done in a coordinated, rather than piecemeal, approach.*” (Page 33). If the Planning Commission accepts this argument for allowing a refinement plan in an area of the Fairview Training Center site, then the phasing plan should consider the cited physical integration and require that the final phase of Fairview Addition West be completed before the

Fairview Woods is commenced. This is a matter of safety for the eventual residents of the The Fairview Woods, should it be constructed.

On the subject of phasing, has the phasing plan illustrated on page 39 of the Fairview Addition refinement plan been altered? The clearing of the land for the final phase of that project - along with the significant trees to be saved - when the preceding phases have yet to be built, raises concerns for me about the respect for the Fairview Addition West plan being demonstrated by the owner of the area for the final phase of that project. Will the dilapidated buildings in the Fairview Addition West remain while high income housing is built by removing 64% of the trees The Woods?

The Plan sets out the lofty ideals of a wide mix of land uses. Many homeowners were excited by the planning process and the promise of a community that encompassed a range of home types and would attract families and single person households with a range of incomes. The public amenities envisioned were also wide ranging from easy bike and pedestrian access throughout to pocket parks and community agriculture. To this point the single family residential home type has been the predominant development along with a linear urban farm and a small pocket park playground. The additional public amenities depicted in the Fairview Addition refinement plan such as an amphitheater and open space areas have not yet been constructed, neither have the new housing and connection from Fairview Addition to the Pringle Creek Community to be located where the eye sore buildings remain.

I do not support the current proposed refinement plan because it does not reflect the intent of Goal 6 of the Fairview Plan. I do not support the Class 2 Adjustment unless it is phased as the final phase to the of the Fairview Addition West refinement plan. The owner of the property might consider reducing the proposal by eliminating Lots 1-7, 14 and 15 in order to retain The Woods as a parcel for common use as walking paths and open space.

Thank you for the opportunity to comment and for your attention to these concerns.

Sincerely,

Katherine Daniel
4101 Braden Lane SE
Salem, OR

Bryce Bishop

From: Kelsey Oran <kelseyoran@gmail.com>
Sent: Tuesday, July 09, 2019 11:13 AM
To: Bryce Bishop
Subject: RE: The Woods FRP-ADJ-SUB19-01

To: Planning Commission

Case No.: FRP-ADJ-SUB19-01

For Meeting: July 9, Agenda: 5.3

RE: FAIRVIEW REFINEMENT PLAN, CLASS 2 ADJUSTMENT, AND SUBDIVISION CASE NO. FRP-ADJ-SUB-19-01; FOR PROPERTY LOCATED IN THE 4100 TO 4200 BLOCKS OF PRINGLE ROAD SE AND 4200 BLOCK OF BATTLE CREEK ROAD SE (AMANDA APPLICATION NO. 17-124220-ZO; 19-113933-ZO; 17-124217- LD)

My family lives in Fairview Addition and we were the fourth home to move into the development in 2016. Being nestled in the trees is the primary reason we chose our lot and we sincerely hope majority of them stay so our children can explore for years to come. Our opposition is not to development in general it is to *this* development plan specifically. The Woods would become private property and would in effect remove the natural resource the community loves.

Thank you,
Patrick & Kelsey Oran

Bryce Bishop

From: Mary Liepins <mliepins@willamette.edu>
Sent: Tuesday, July 09, 2019 3:58 PM
To: Bryce Bishop
Subject: In support of Fairview Refinement Plan

Date: 7-9-19

To: Bryce Bishop and the Planning Commission

From: Nick & Mary Liepins, 4056 Evesham Ln SE, Salem, OR

Subject: Subdivision case No. FRP-ADJ-SUB19-01

We are unable to attend the Planning Commission meeting this evening, but are writing in support of the Fairview Woods Refinement Plan. We feel that the proposal and design submitted by Olsen Design and Development is wise use of the woods adjacent to our subdivision. The large lots and narrow, private streets will allow them to preserve as many trees as possible. The porous pavement, bioswales, and green spaces in their plan certainly are in keeping with the spirit and intent of Sustainable Fairview. We hope that you will approve the proposal before you this evening.

Angela Williamson

From: Bryce Bishop
Sent: Thursday, July 18, 2019 11:29 AM
To: Angela Williamson
Cc: Lisa Anderson-Ogilvie
Subject: FW: FAIRVIEW "THE WOODS" PROPOSED SUBDIVISION
Attachments: FAIRVIEW WOODS SUBDIVISION- G JAMES COMMENTS 2.pdf

Angela,

Comments received from Geoff James for the record.

Thanks,
Bryce

From: Geoffrey James [mailto:geoffreyjames@comcast.net]
Sent: Thursday, July 18, 2019 11:10 AM
To: Bryce Bishop <BBishop@cityofsalem.net>
Subject: FAIRVIEW "THE WOODS" PROPOSED SUBDIVISION

Attached are my Recommendations and Testimony regarding this proposal.
For continued Public Hearing before Planning Commission July 23, 2019.
Please add to the public record.
(See attached report)

Geoffrey James
Geoffrey James A.I.A. Architect
503-931-4120
gjamesarchitect@gmail.com

via Newton Mail



RECOMMENDATIONS OF GEOFFREY JAMES

Regarding the proposal to re-designate designated common open space into private estates, thus excluding the community, from most of the 15 acres of woodland.

Preserve a larger common area space, and most of the trees, plus incorporate neighborhood access by pedestrian trails.

TABLE OF CONTENTS

PAGE NUMBER & TITLE

- 1. COVER**
- 2. INDEX**
- 3. RELEVANT CODES, PLANS, ORDINANCES IN EFFECT**
- 4. THE ACTUAL LAND USE ISSUES**
- 5. BIRDS EYE VIEW OF PLAN OF THE 275 ACRES**
- 6. WHAT ARE THE EXISTING RULES?**
- 7. MINIMUM OPEN SPACE ACREAGE**
- 8. DETAIL MAP OF THE WOODS**
- 9. THE OFFICIAL OPEN SPACE PLAN**
- 10. NATURAL RESOURCES PLAN**
- 11. WOODS AERIAL PHOTO**
- 12. WHAT THE PLAN REQUIRES**
- 13. LIST OF VIOLATIONS IN THIS PROPOSAL**
- 14. RECOMMENDATIONS**
- 15. CORRECT MAP SHOWING THE PEDESTRIAN PATHS**

Relevant Documents to evaluate:

FAIRVIEW MASTER PLAN

Adopted by Morningside Neighborhood Association, Salem Planning Commission, and Salem City Council in 2005.

UNIFIED DEVELOPMENT CODE

Chapter 530 FMU Fairview Mixed Use has more recent requirements in the zone code.

PROPOSAL TO SUBDIVIDE “THE WOODS” REQUIRED (20 ACRES) OPEN SPACE

The following is an analysis of the developer’s proposal.

MNA received testimony, reviewed the Plan policies that MNA helped create, reviewed testimony and concerns from 3 neighbors, who were opposed, met as a Board twice, including a Work Session. Morningside N.A. received testimony from the developer July 10, and AFTER the June 9 public hearing that occurred AFTER the June MNA meeting, regarding a proposal to develop what the adopted Fairview Plan shows as protected Open Space and protected woodland.

Two detailed letters have also been received, after the public hearing, from concerned neighbors, that itemize and detail multiple violations in the current proposal.

The Plan is quite clear that common areas, designated open space, treed areas, are protected. It is apparent that these designated areas (minimum of 20 acres) shall be for recreation, e.g. trails through protected woodland, maintained by that HOA, and open to the community.

If this developer, of this area of Fairview, wishes to violate or deviate from the Plan then the process of decision making should first be on the issue of removal (or not) of designated common area open space, and whether the land can or should be instead be locked up for ever as private deeded lots and yards, by creating a subdivision into private lots or estates, and therefore privatizing of common open space area, and denying access to the community, as required in the Plan. Examination of the maps show two intrusions already. A recent phase of Fairview Addition already intrudes into The Woods area shown on The Fairview Master Plan Map. In May 2019 heavy equipment came in, apparently with no permit, and bulldozed the eastern strip, apparently for future small Fairview Addition lots. All vegetation was bulldozed, leaving bare red dirt.

The developer instead proposes to create private lots (a violation) on this remaining 15 acres of The Woods designated Open Space, build roads (a violation) and only leave one (1 acre) small that allows public access to a remaining small open space, all in an area that is now currently designated community common open area, i.e. preserved trees, plus a recreation trail, that should be maintained by the HOA (i.e. noxious vegetation etc.) and be open to the neighbors and community, per the Plan.

So: the first question for the decision makers should be:

Should Designated Common Open Space be Subdivided, and the Public and Neighbors therefore excluded?

The Plan that MNA helped create in 2000 at the Design Charette was adopted by City Council in 2005.

“The Woods” is one of several Designated Open Space areas (not including city parks) that are required to be “a minimum of 20 acres.” A pedestrian walkway is shown on the plan, but no roads are

permitted, and the owner (i.e. the HOA) is required to maintain the open space as an amenity, with public access.

On page 13 of Exhibit 2, of the Fairview Plan, figure 3 shows the proposed site plan of the original 275-acre Fairview Training Center with all the proposed streets shown. See Page 1 of this MNA report.

There are no streets shown on The Woods site.

This is also the site described as (B) and (C) on page 18, Exhibit 1.

Site (B) is described on page 18 as *"Another mature grove of firs to be protected and enhanced as neighborhood park or community protected open space sits atop the northwestern most ridge of the site."*

Site (C) is described *"At the southwestern edge of the property is a considerable acreage of scrub oak and native species that will be protected for its ability to serve as wildlife habitat and provide an ecological buffer."*

It also states on page 11 of Exhibit 1, *"Another mature grove of fir trees is located atop the northwestern edge of the site. It also will be protected and enhanced as neighborhood park or community open space. Scrub oak and native plants at the southwest edge of the property will be protected for their ability to serve as wildlife habitat and as an ecological buffer."*

THE LAND USE ISSUES:

The land use issues are these:

- 1. Should Designated Open Space i.e. common area for the passive recreational use by the neighbors and the community, be locked up and converted into private estates, for the exclusive use of owners of those future lots, to the exclusion of the Morningside neighbors and the community?**
- 2. If conversion or redesignation of some Open Space make sense, and the public are to be suddenly excluded, then perhaps a modified design, that does not privatize most of the land, might be more acceptable. A couple acres of deeded common area open space, i.e. mini-park or picnic area, that is connected by a deeded system of improved pedestrian walks through The Woods and connected to Fairview Addition and to the south, with true connectivity, all might be an acceptable compromise.**



Aerial view from the southeast show the interconnected street system

“The Woods” is the wooded open space area at the left (west).

SO, WHAT ARE THE EXISTING RULES?

This is a definition in the **Fairview Plan** and Open Space is indeed protected.

- | | |
|------------|---|
| Open Space | 5. The preservation and connection of identified natural open space areas shall be protected through public acquisition and/or land use regulation. |
|------------|---|

The Plan policies cover the provision of open space and protection of trees.

The Fairview Plan is a master plan that establishes goals and policies to guide future **development within the Fairview Mixed-Use zone**, which applies to the 275-acre former Fairview Training Center Site in South Salem. The site is bordered by Reed, Pringle, Strong and Battlecreek roads. [[Salem Revised Code Chapter 530](#)]

The plan, which was approved in 2005, promotes redevelopment that fosters the following:

- Sustainability
- Mixed-use development
- Greater housing and transportation options
- Provision of open space
- Protection of natural features

The Plan requires Open Space areas be protected by the land use regulation.

- | | |
|------------|---|
| Open Space | 5. The preservation and connection of identified natural open space areas shall be protected through public acquisition and/or land use regulation. |
|------------|---|

SUSTAINABLE FAIRVIEW PRINCIPLES:

Principle 6, Appendix A, Sustainable Fairview Principles, of Exhibit 3, states "The Sustainable Fairview plan will work with, not against, the existing landscape. Large forest blocks and wetlands will be preserved and indeed expanded over time."

THE 13 PRINCIPLES

The 13 principles listed under the heading, Sustainable Land Use Principles of the Plan of Exhibit 1 show that the Refinement Plan is inconsistent with the Fairview Plan. Staff claim it is consistent. It is not.

Principle 6, states in part, "Large existing forest blocks and wetlands are preserved and will be expanded over time." "Preserve" is defined as to maintain in its original or existing state.

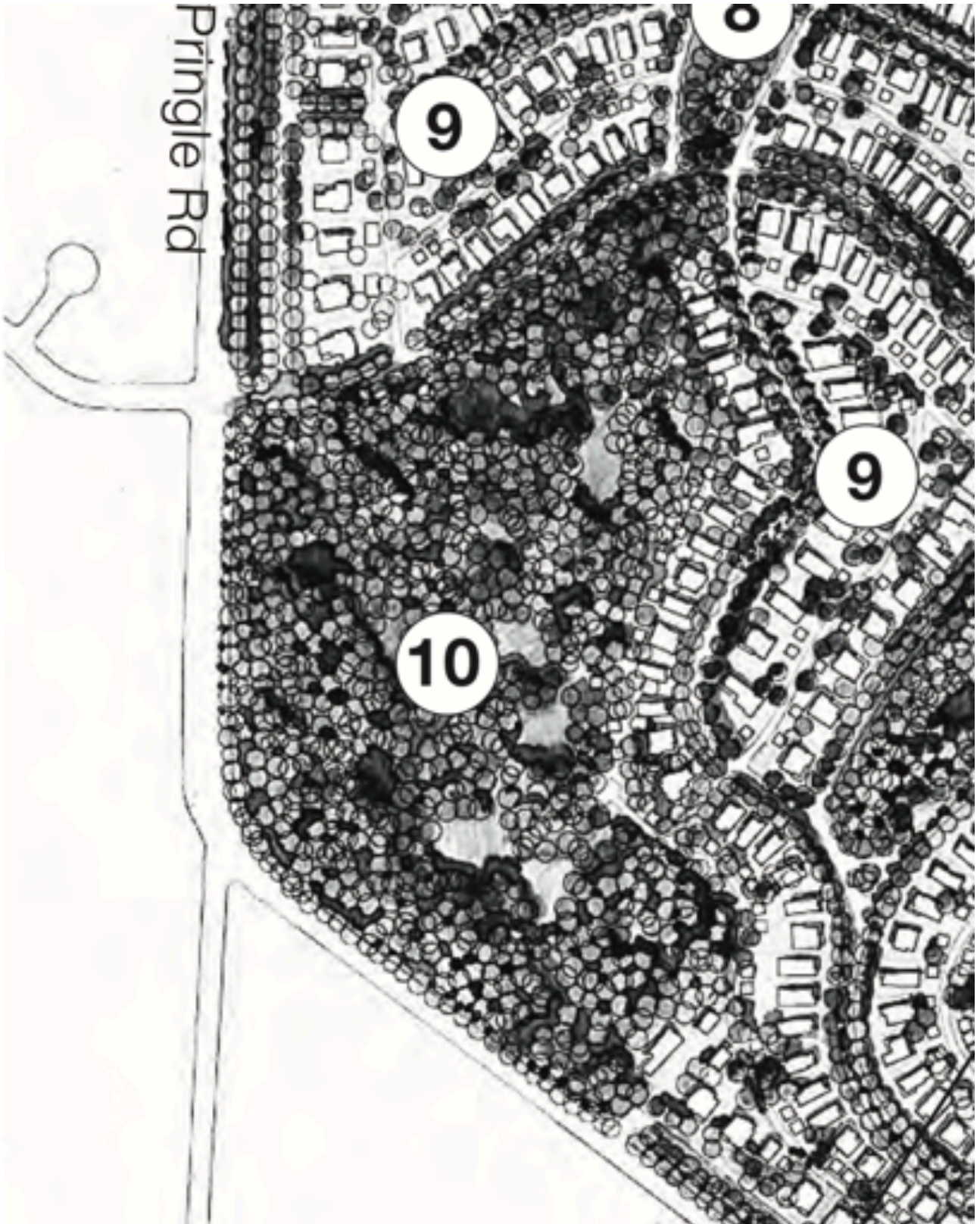
The staff report states "The proposed refinement plan respects the landscape consistent with this identified Fairview Plan principle and will protect the natural, ecological, habitat and recreational benefits and opportunities afforded by the two existing identified tree groves by allowing reasonable economic use of the property while at the same time preserving it's natural character, habitat, and trees by providing large lots served by sensitively narrow private streets, trails and open space areas that provide benefit to not only the residents within the proposed refinement plan but the Fairview

Training Center as a whole." These large existing forest blocks cannot maintain their original or existing state if "large lots served by sensitively narrow private streets..." are allowed.

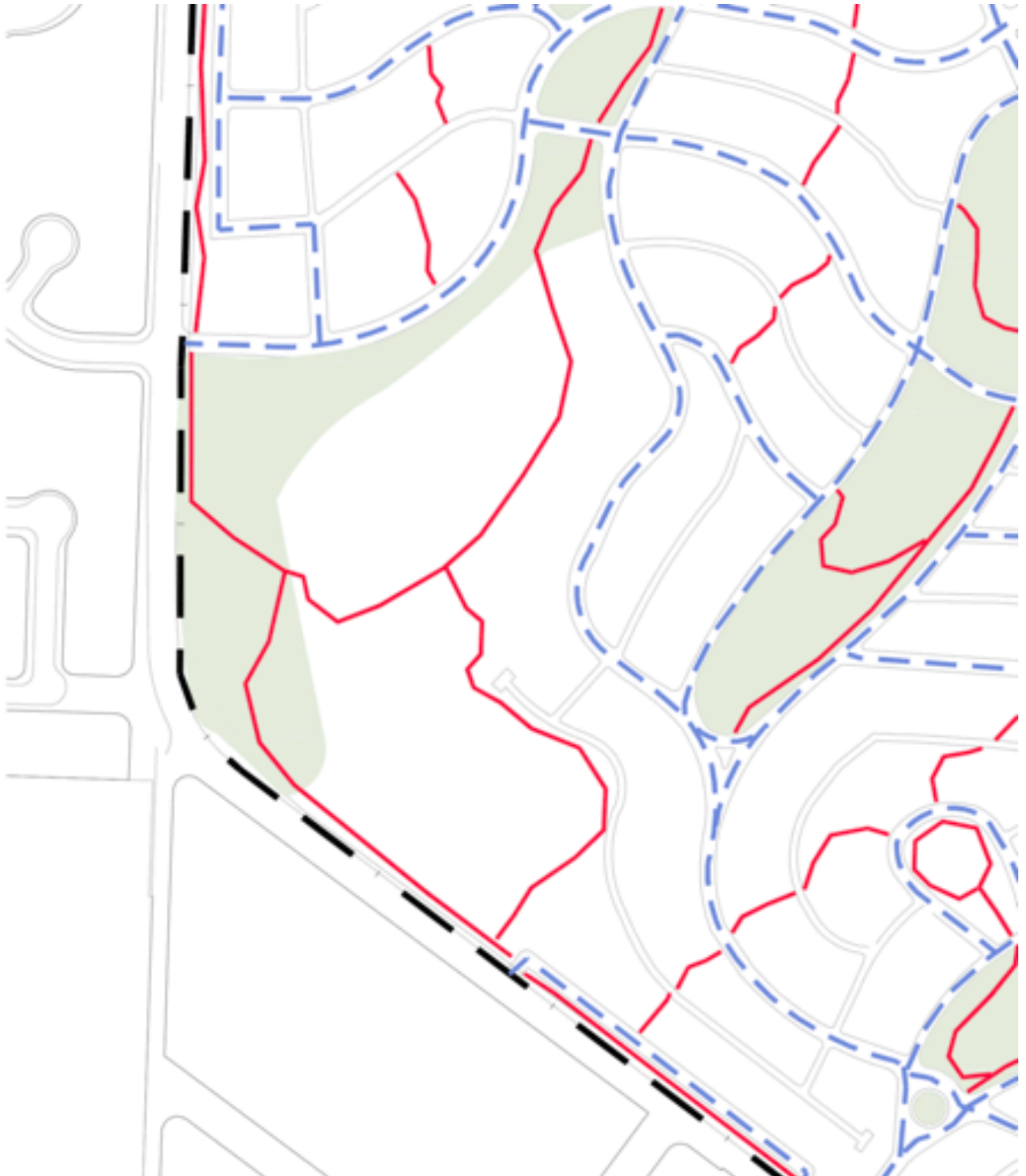
Principle 13. Walk Every Day states "*The design promotes walking at all levels, from walkways on both sides of all streets...*" On page 1 Exhibit 3, of the Fairview Plan, Principle 13 states, Fairview will be a walkable community in all respects. Sidewalks will line both sides of each street." Page 5 of Exhibit 3 states, "*Sidewalks are required on all streets except the alleys*". Page 8 of Exhibit 3 states, "*Sidewalks on both sides ensure that pedestrian orientation of the project is maintained.*" Principle 13 of Appendix A Sustainable Fairview Principles, Exhibit 3 states "*sidewalks will line both sides of each street.*" Sidewalks should be required on all streets.

MINIMUM SIZE FOR A REFINEMENT PLAN

SRC 530.030(b) states "Minimum refinement plan area. The area subject to a refinement plan shall contain no less than 40 acres." This application for this land use request is for 14.2 acres or 36% of the required 40 acre minimum, much less than required. An Adjustment might reduce this somewhat but not to the degree proposed.

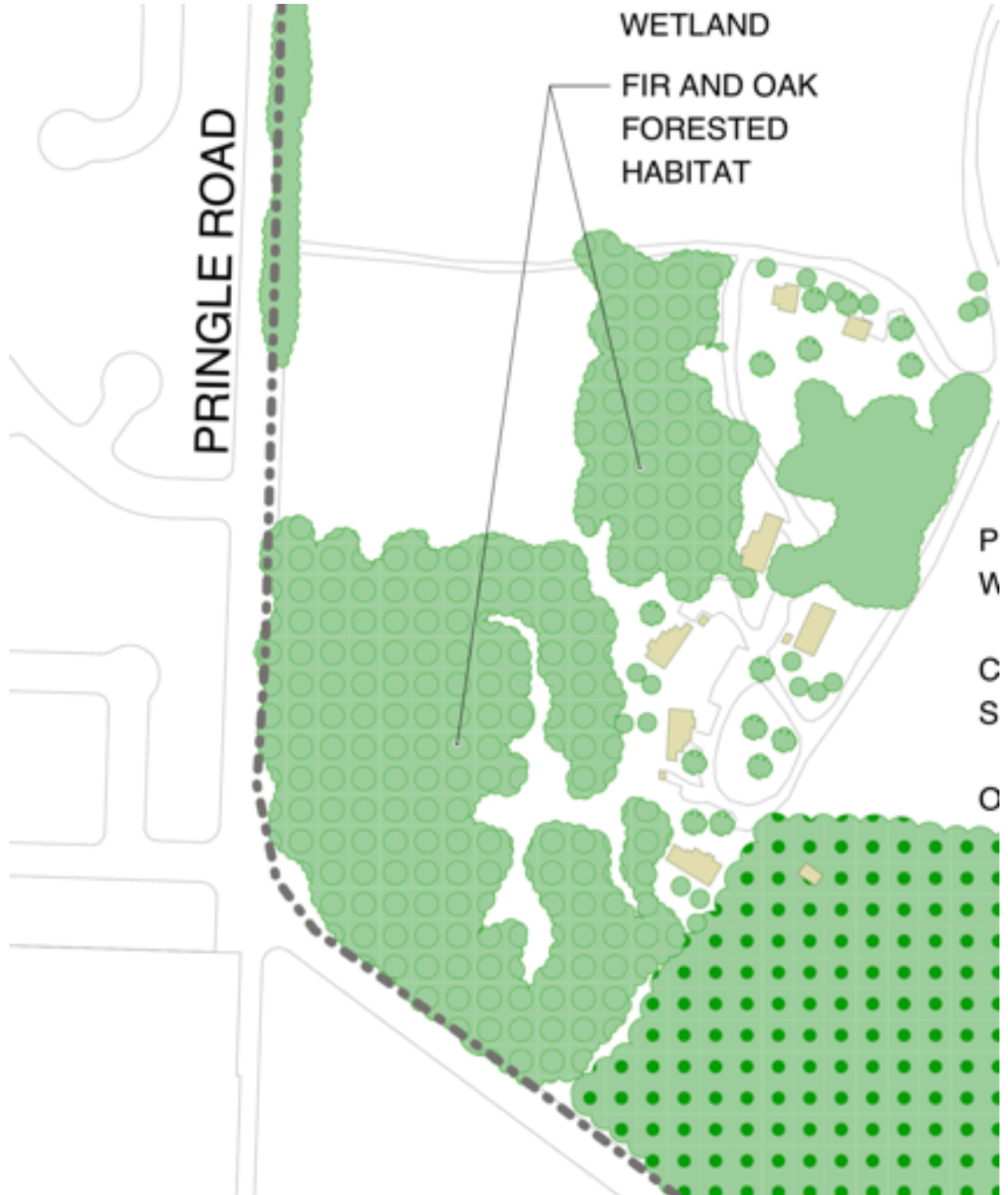


A detail from the Fairview Plan showing “The Woods” designated open space area, with trails.



OPEN SPACE

ABOVE: A detail from the Fairview Plan OPEN SPACE map showing “The Woods” designated open space area, with trails.



NATURAL RESOURCES

ABOVE: A detail from the NATURAL RESOURCES map in the Fairview Plan showing “The Woods” designated open space area, and wooded area.



AERIAL MAP

ABOVE: A detail from a Google Maps aerial photo, showing “The Woods” designated open space area. Fairview Addition is already intruding The Woods at the west and at the east.

TREE PRESERVATION

PROTECTED TREES

At the southwestern edge of the property is a considerable acreage of scrub oak and native species that will be protected for its ability to serve as wildlife habitat and provide an ecological buffer. (C)

Above: this is what the Plan says about The Woods.

(2) An open space plan for the entire FMU zone identifying an integrated network of open spaces for the purpose of preserving and enhancing identified natural drainage patterns, significant trees and vegetation, and wetlands; responding to significant topographical features; and providing opportunities for active and passive recreation.

PROTECTION OF OPEN SPACES:

- (d) *Criteria.* The fairview plan shall be approved if all of the following criteria are met:
- (1) The plan conforms to the applicable provisions of the Salem Area Comprehensive Plan.
 - (2) The plan is compatible with adjoining land uses.
 - (3) The plan is physically feasible, given consideration of existing or proposed infrastructure and public services.
 - (4) The plan conforms to the following goals:
 - (A) Encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;

IMPROVED PROTECTION OF OPEN SPACES

- (D) The proposed amendment conforms to the following goals:
- (i) Encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;

PERPETUAL MAINTENANCE OF OPEN SPACES

- (12) Proposed method for the perpetual maintenance of any common open space and common facilities;

A MINIMUM SIZE OF 20 ACRES

- (b) *Open space.* A minimum of 20 acres of land within the FMU zone shall be reserved as natural open space.

PRESERVATION OF MATURE STANDS OF TREES

- (b) The fairview plan and any subsequent refinement plan shall consider all of the following:
- (1) The preservation of the natural drainage patterns of the site;
 - (2) The existence and use of native plant species, where appropriate;
 - (3) The integrity of mature stands of trees that are in good health;
 - (4) The minimization of the amount of impervious surfaces near all waterways; and
 - (5) Significant wildlife habitat.

CONFORMANCE WITH THE PLAN IS REQUIRED

The proposed Fairview Woods Refinement Plan states on Page 5 "The Fairview Woods Refinement Plan (referred to in this plan as The Woods) was developed to be consistent with the principles in the Fairview Master Plan.", on page 6, "The Woods Refinement Plan is based on the goals of the Fairview Master Plan.", on page 36, "Development of the Woods will be in compliance with standards and regulations set by the Fairview Master Plan and the Fairview Mixed- use Zone." and on Page 36, "The design is ultimately intended to follow the regulations and guidelines outlined in the Fairview Master Plan."

Four of the in-Plan maps show that The Woods would remain undeveloped.

1.
The **FAIRVIEW MASTER PLAN** is an aerial schematic of proposed development and it shows The Woods as an open area.

2.
The **OFF-STREET PATHWAY AND OPEN SPACE PLAN** shows The Woods as open area with pathways through it. 3.

The **MOBILITY PLAN**, again show The Woods as open area with pathways through it.

4.
The **STREET NETWORK PLAN** shows The Woods as open area. Besides the comments and maps that I have referenced, there are other smaller maps that show this area should remain open, and not be developed.

SUMMARY OF ANALYSIS AND OF NON-CONFORMANCE WITH THE ADOPTED FAIRVIEW MASTER PLAN

PROBABLE VIOLATIONS OR ISSUES:

VIOLATION 1

Designated Common Open Space is protected, but here all 15 acres is proposed to be Subdivided and the Public and Neighbors therefore excluded. This proposal apparently violates all those requirements.

VIOLATION 2

Open Space shall, according to the adopted Plan, be roadless, and accessible, by path or trail, to the neighbors, and not divided up into private houses, yards, and lots. This proposal apparently violates all those requirements.

VIOLATION 3

Mature Trees are to be protected.

This proposal removes hundreds of trees, for roads, for utilities, four house sites, for residential yards, for driveways and parking. The trees are supposed to be protected. No roads are permitted in the Plan. This proposal apparently violates all those requirements.

RECOMMENDATIONS:

OPTION 1: DENY THE PROPOSAL BECAUSE OF THE LISTED VIOLATIONS.

Three major land-use violated are documented above, referencing the adopted Plan.

OPTION 2: POSSIBLE MITIGATION OR MODIFIED PROPOSAL THAT MIGHT BE MORE ACCEPTABLE

Re-design the privatization proposal so as to retain a larger Open Space amenity accessible by the community.

Retain the Woods area as a mostly wooded parcel that provides the amenity envisaged in The Plan as common area use with walking paths through the trees and open space i.e. community recreation trails, that are lightly maintained by the HOA for the Fairview Addition that surrounds this amenity. Remove some proposed lots so as to enlarge the common open space recreational area that is promised by The Plan.

Triple the size of the proposed common area at the top of the hill as a mini-park or picnic area.

Ensure that the Westech subdivision plan is corrected to show the pedestrian path shown correctly on the developer’s proposed Refinement Plan, e.g. Paths & Trails Map.

Note:

Morningside NA was originally involved in the creation of the Plan and the designated open space, but this compromise, or modified proposal, listed above as Option 2, might be more acceptable to most neighbors, whereas Option 1 reflects the fierce opposition, i.e. neighbors who are demanding Denial of the proposal, because of the violations or deviations from the Fairview Plan.

Current Morningside board members however (except one) are not familiar with the adopted Fairview Master Plan, have not read it, and members say they do not know where to view it. Actually, it is on the City of Salem web site.

<https://www.cityofsalem.net/CityDocuments/fairview-master-plan-exhibit-1-fairview-training-center-redevelopment-master-plan.pdf>

CORRECT THE CIVIL ENGINEERING SUBDIVISION MAPS

Ensure that the Westech subdivision plan, and other civil engineering plans are corrected to show the pedestrian path shown on the developer’s proposed Refinement Plan, e.g. Paths & Trails Map. The purple paths and pedestrian easements or rights of way are missing from the set of engineering plans. The danger is that the City will simply go by the incorrect engineer’s plans and not the proposed map that shows the paths required by The Plan. See Below.

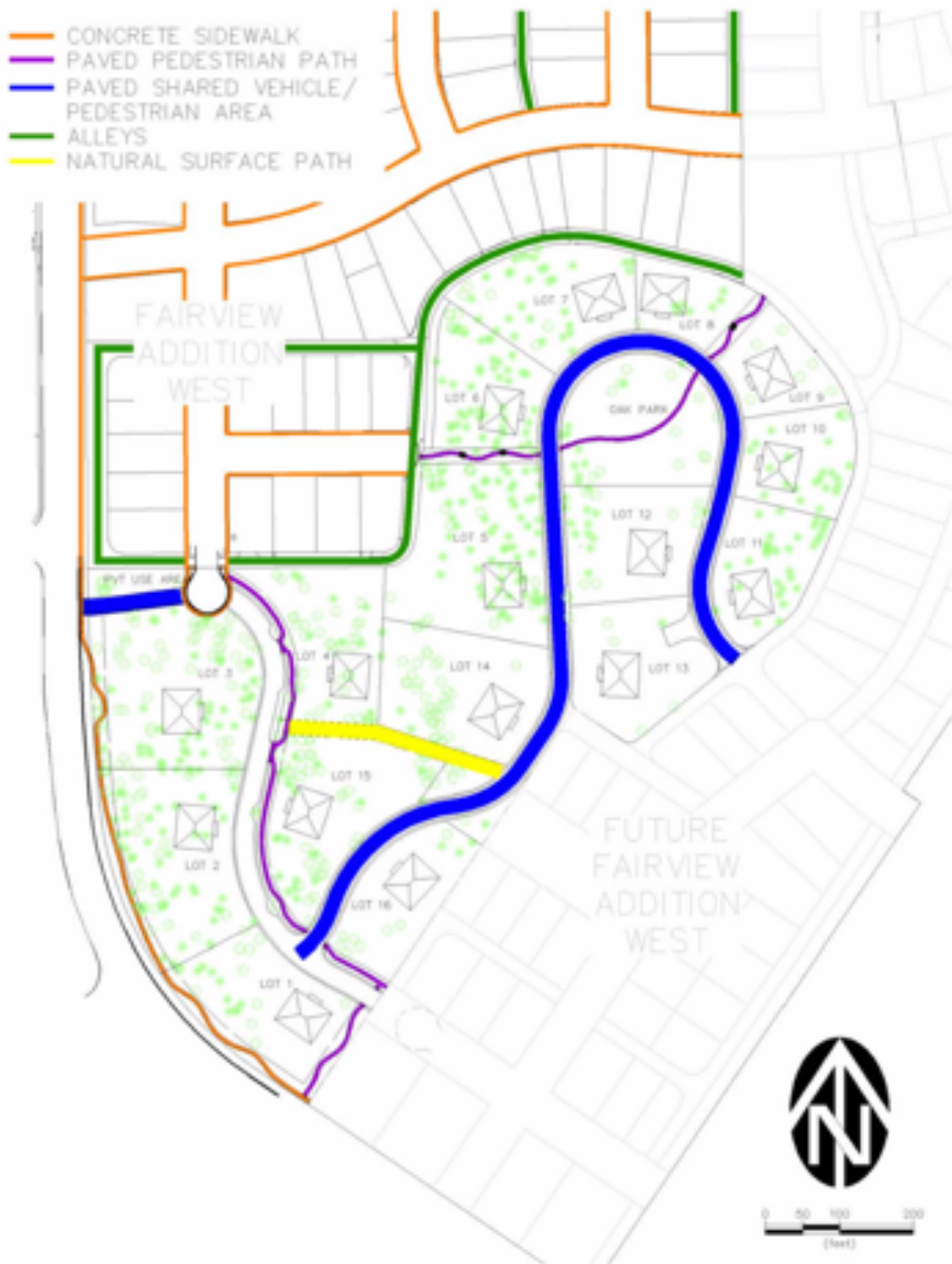


Figure 10: Pedestrian Pathways and Alleys

RECEIVED

Jerry Mumper
1454 Grantham Lane SE
Salem, Oregon 97302

JUL 17 2019

COMMUNITY DEVELOPMENT

Lisa Anderson-Ogilvie
Planning Administrator
City of Salem

July 17, 2019

Re: Case no. FRP-ADJ-SUB 19-01

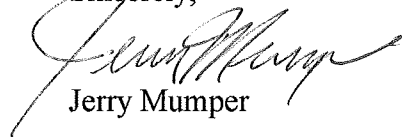
Dear Ms. Anderson-Ogilvie:

The staff report on page 8, states, "Pursuant to SRC.030(d), refinement plans are required to contain the following elements:

- (12) Proposed method for the perpetual maintenance of any common open space and common facilities;"

The refinement plan does not contain the proposed method for the perpetual maintenance of any common open space and common facility, and thus is not a complete application of the refinement plan. Therefore a decision should not be made until the refinement plan is complete, the public has been notified and had a chance to comment.

Sincerely,



Jerry Mumper

cc: Bryce Bishop, Planner II
City of Salem

Angela Williamson

To: Bryce Bishop
Cc: Lisa Anderson-Ogilvie
Subject: RE: Fairview Refinement Plan / Class 2 Adjustment / Subdivision Case No. FRPADJ-SUB19-01

From: Alan Meyer [mailto:Alan.Meyer@comcast.net]

Sent: Saturday, July 20, 2019 3:14 PM

To: Bryce Bishop <BBishop@cityofsalem.net>

Cc: Meyer, Muriel <murielmeyer@comcast.net>

Subject: Fairview Refinement Plan / Class 2 Adjustment / Subdivision Case No. FRPADJ- SUB19-01

Greetings,

We reside in Fairview Addition West and, therefore, have a direct interest in the proposed Fairview Woods Subdivision. In fact, there is only an alley separating our home from the area proposed for this development.

We SUPPORT the current proposal as we believe it is the best opportunity to have this vacant, privately-owned land developed in the spirit of the overall Fairview Master Plan.

We conducted an E-mail survey of current Fairview Addition West residents and found that, of those who responded, 11 supported the plan, 2 were neutral regarding the plan, and 2 opposed the plan. As these are the folks who will be most directly affected by the development (or lack of development), We believe their opinions should weigh heavily in the decision process.

*Alan & Muriel Meyer
1476 Strong Road SE
Salem, OR 97302*

Angela Williamson

Subject: Comments for 7/23 Planning Commission meeting re Fairview Woods proposed refinement plan

From: K Daniel [mailto:katherinelouisedaniel@gmail.com]

Sent: Tuesday, July 23, 2019 9:16 AM

To: Bryce Bishop <BBishop@cityofsalem.net>

Cc: Mom <ndchv@comcast.net>

Subject: Comments for 7/23 Planning Commission meeting re Fairview Woods proposed refinement plan

Katherine Daniel, AICP, CFM
4101 Braden Lane SE
Salem, OR 97302

July 23, 2019

To Whom It May Concern:

I appreciate the opportunity to comment further on the proposed Fairview Woods Refinement Plan. Despite the responses provide by Mr. Bishop to my concerns and those of others, and despite the apparent minority position we hold, the responses do not assuage my concerns that the proposal is inconsistent with the guidance provided by the Fairview Training Center Master Plan (the Plan).

As an AICP Planner with more than 15 years of experience in local planning, I recognize the need to allow for reasonable economic use of the property to avoid legal claims of a taking by the property should the Planning Commission deny this application. Furthermore, I understand that the Planning Commission must walk the tightrope stretched between the rights of the property owner and the interests of the public as illustrated by the Plan to escape an appeal of your decision.

There do appear to be alternatives that the both retain the integrity of The Woods as shown in the illustrative Fairview Training Center Master Plan and provides reasonable economic use of the property for the owner.

One alternative is to reduce the proposed number of lots and remove the woonerf road proposed to extend from Braden Lane into The Woods. This alternative would allow retention of the four Significant Oak trees proposed to be removed from tree Stand #5 among other trees and understory plants described in the Natural Resource Inventory of the Fairview Training Center Master Plan (the Plan). It would allow the development of seven large lots.

The other alternative is to follow the apparent intent of the Fairview Training Center Master Plan as shown by Mr. Bishop's overlay of the shape of the 14+ acre Woods parcel on top of the illustrative plan. This overlay of a set of lot lines that defines the 14+ acre parcel on top of an illustrative plan attempts to substantiate the claim that some residential development on the eastern side of The Woods was intended by the framers of the Plan. If one accepts this analysis, then the alternative for residential development on smaller lots clustered in this area of

wooded land would also allow the retention of the majority of Stand #5 described in the Plan as *“The largest tree stand on site. Trees up to 48 in. dbh. Diverse native understory of black hawthorn, serviceberry, Nootka rose, Indian plum, snowberry, Oregon grape.”*

The remainder of the descriptive notes on Stand #5 notes that poison oak vines and a significant invasion by Himalayan blackberry and English ivy is also found here. My final point is that the integrity of The Woods is also threatened by failure to control the invasive plants and to keep the property clean.

The State of Oregon, for which I currently work, takes the state planning Goals quite seriously and compels cities and counties within the State to abide by them when reviewing Comprehensive Plans and regulatory changes. I encourage the Salem Planning Commission to do the same by considering alternatives to the proposed Fairview Woods Refinement plan that can accomplish both the right of the property owner to reasonable economic use of the property and the intent of the Fairview Training Center Master Plan as approved by the Planning Commission itself.

Sincerely,

Katherine Daniel

Sean T. Malone
Attorney at Law

259 E. Fifth Ave.,
Suite 200-C
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

July 23, 2019

Email

Bryce Bishop, Planner II
City of Salem Planning Division
555 Liberty Street, SE Rm 305
Salem OR 97301
503-540-2399
bbishop@cityofsalem.net
lmanderson@cityofsalem.net

Re: Mumper testimony re Application Nos 17-124220-ZO, 19-113933-ZO, and 17-124217-LD – FRP-ADJ-SUB 19-01

On behalf of Jerry Mumper, please accept the following testimony on the proposed Fairview refinement plan, the proposed class 2 zoning adjustment, and proposed subdivision. For the reasons set forth below, the application must be denied.

The Salem City Council adopted amendments to the comprehensive plan and code establishing a “mixed use” comprehensive plan designation and a “Fairview Mixed Use” (FMU) zone district. The amendments apply to the former Fairview training site in order to promote the sustainable and mixed-use development of the 275-acre property. A Fairview master plan was adopted that establishes the overall goals and policies to guide future development of the property. Refinement plans are then prepared that set forth detailed regulatory plans for areas not less than 40 acres in size. Here, the applicant is seeking approval of a proposed refinement plan, an adjustment of to the basic requirements of a refinement plan, and a subdivision of the area contained within the proposed refinement plan.

Under SRC 530.030(e), a refinement plan shall be approved if “[t]he refinement plan is consistent with the Fairview plan.” Here, the refinement plan is fundamentally at odds with the basic requirements of the Fairview plan. The Fairview master plan contains both general and specific provisions regarding open space. For example, the “SFA [i.e., Sustainable Fairview Associates] shares its neighbors’ interest in maintaining

significant open spaces and preserving the natural environment. FTCCR [i.e., Fairview Training Center Redevelopment] will maximize common open spaces, parks, and nature preserves. Natural areas will be linked together throughout the development. Existing steep slopes, wetlands, and watersheds will be protected and enhanced.” The area slated for development is also repeatedly illustrated as undeveloped open space, referred to as “The Woods.” Under “Respect the Landscape,” the master plan provides following framework:

“FTCCR plan works with, not against, the existing landscape. The natural slopes on the site are preserved for recreational use, for habitat, and for storm water flow. These slopes lead to the Village Green which is both the ecological and social heart of the community. *Large existing forest blocks and wetlands are preserved, and, will be expanded over time.*”

Emphasis added. Adding to the master plan’s goal of preserving large existing forest blocks and open space for the community’s benefit is another passage :

“Forested Habitat and Wildlife Corridors

A mature grove of fir trees along Pringle Creek creates a park-like environment that will be protected and enhanced as either neighborhood park or community open space. Another mature grove of fir trees is located atop the northwestern edge of the site. It also will be protected and enhanced as neighborhood park or community open space. *Scrub oak and native plants at the southwestern edge of the property will be protected for their ability to serve as wildlife habitat and as an ecological buffer.* A small mature oak grove on the eastern edge of the property will frame the ‘front door’ entrances to FTCCR from the south.”

(emphasis added). Under the heading, Natural Resources, the master plan specifically identifies the area at issue as “B” and “C.” The master plan then reinforces the above language by calling for the areas’ preservation *and enhancement as a neighborhood park or community open space or wildlife habitat/ecological buffer:*

“Another mature grove of firs to be protected and enhanced as neighborhood park or community protected open space sits atop the northwestern most ridge of the site. (B).

At the southwestern edge of the property is a considerable acreage of scrub oak and native species that will be protected for its ability to serve as wildlife habitat and provide an ecological buffer. (C)”¹

¹“Open space” is defined as “land designated to preserve community livability, significant plant materials, and natural resources.”

Taken together and on their own, the provisions of the Fairview master plan expressly contemplate protecting the area known as The Woods for community open space, neighborhood park, and wildlife habitat/ecological buffer. Each of these are inconsistent with the proposed use. Also of note is the general development standard that “[a] minimum of 20 acres of land within the FMU zone shall be reserved as natural open space.” SRC 530.045(b). Because The Woods is the area proposed as natural open space, the proposed development is contrary to this basic standard, absent some showing that a 20 acres of the proposed area contained within the master plan will contain open space.

Attempting to distance itself from the plain requirement that the subject area be preserved for as a park or community open space and alleging consistency with the recommendation to “encourage the innovative integration of park and school uses,” the staff report alleges that “[a] park is also not needed within the proposed refinement plan due to the City’s purchase of land on the eastern portion of Fairview site on Old Strong Road SE for a community park. Because neither land for a new school or a public park is needed with the proposed refinement plan, the goal of encouraging innovative integration of park and school uses in [*sic*] not applicable in this case.” This runs contrary to the plain language of the master plan, and the staff report cannot erase the language contained in the master plan. The City cannot legislate through interpretation. Rather if the applicant finds some portion of the master plan disagreeable, then the appropriate means of moving forward is to amend the master plan, which the applicant has not proposed here. SRC 530.025 contains provisions related to the amendment of the Fairview plan. The types of amendments to the Fairview plan include several provisions that are applicable here, but the applicant is not seeking to amend the Fairview plan.

Indeed, amendment of the Fairview plan is a necessary precondition to what is being proposed here, given the degree of deviation from the master plan. For example, an amendment is necessary if it is proposed to change “designated buffers, perimeter landscaping, or significant natural resource areas delineated in the Fairview plan that were established to adapt the FMU zone to specific site characteristics or mitigate development impacts on the site and surrounding area.” SRC 530.025(b)(2). This would be considered a “major amendment” and would have to be processed as a Type IV decision. *See* SRC 530.025(c). Various criteria must also be satisfied to approve a master plan amendment. The existence of the master plan amendment procedures indicate unequivocally that the City cannot interpret its way out of the master plan when an applicant finds the requirements of the master plan to be inconsistent with the proposed development.

A further indication that the master plan must first be amended is evident in the densities proposed by the refinement plan. A major plan amendment is required to “increase[] or decrease[] the number of proposed residential units per acre by more than 20 percent or exceeds the maximum number of dwelling units permitted within the FMU zone.” SRC 530.025(b)(2)(B). Here, the FMU zone densities are changing in the low intensity overlay from 5 to 8 du/acre to 0.5 to 2 du/acre and in mixed intensity from 7 to 35 du/acre to 1 to 3 du/acre. Clearly, the proposed change is more than a 20 percent change in density. *See* Table 1, Proposed Refinement Plan. Moreover, the proposed refinement plan represents, cumulatively, a significant change in the purpose, scope, main concepts, goals, policies, or general development guidelines of the Fairview plan,” SRC 530.025(b)(2)(F), because the applicant is attempting to develop areas set aside for park use, community open space use, and wildlife habitat/ecological buffer. Indeed, the notion of an “ecological buffer” is completely lost if the area is developed. Again, it should be clear that an amendment to the plan is necessary, and, therefore, the application cannot be approved, as proposed.

The proposed refinement plan is not compatible with adjoining land uses because the community open space, park, wildlife habitat, and ecological buffer were contemplated in the master plan to provide for these uses to offset more dense development elsewhere. SRC 530.030(e)(3). The contemplated uses of the Woods contained within the master plan create the compatibility necessary to support areas of greater density elsewhere in the master plan, as well as through other refinement plans.

The City cannot approve the class 2 adjustment because it does not comply with the relevant approval criteria. The purpose of the 40-acre requirement is to ensure development occurs in a coordinated fashion involving land areas large enough to discourage a piecemeal approach. That is exactly what is occurring if the minimum area for a refinement plan can be dramatically reduced. The staff report alleges that the only way for this area to be part of a refinement plan is by lowering the acreage of the plan. This argument proves too much, as there is no requirement that a refinement plan cover only contiguous areas within the master plan area. Moreover, the notion that this area is isolated is a product of the applicant’s own creation. The applicant – the same applicant as for the Fairview Addition West – isolated this property by not including it in the refinement plan for the Fairview Addition West. The proposed refinement plan also identifies an adjacent area as “Future Fairview Addition West.” This just perpetuates the small-sale, piecemeal development that is proposed here, and which was warned against in creating the requirement for a 40-acre refinement plan minimum standard. The purpose underlying the development standard at issue is clearly applicable to the proposed development and the 14-acre refinement plan is no better than one that is 40 acres. Indeed, a smaller acreage will likely result in additional refinement areas being less than 40 acres.

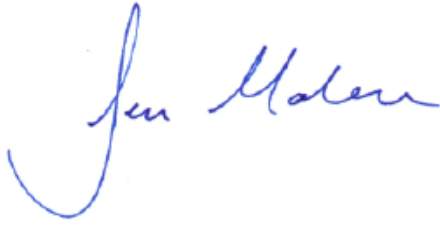
It should also be noted that the Fairview master plan street network plan does not contemplate any such streets in the area proposed for the development. Indeed, there are no main streets, collector streets, local streets, residential couplets, frontage roads, alleys, or otherwise. This lack of transportation facilities is consistent with the overall guidance that the area be protected for park uses, community open space, and wildlife habitat/ecological buffer. The Woods also appears to contain some of the steeper slopes on the site, and the master plan assumes that these slopes will be protected, instead of developed. Again, the proposed refinement plan is inconsistent with the basic requirements of the master plan. The proposed refinement plan is reducing the livability of the area covered by the master plan because it is removing community open space and park uses, all of which promote better living for the residents within the master plan.

The proposed adjustment will detract from the livability or appearance of the residential area. The reduced acreage for the refinement plan creates development in an area the master plan recognizes is devoted to park use, open space use, wildlife habitat, and as an ecological buffer. Clearly, development within an area previously designated for these uses will affect the 14-acre property's appearance. Again, the applicant alleges that this refinement plan is an extension of the Fairview Addition West refinement plan, which just means that the applicant should have created a single refinement plan for both areas, instead of developing in a piecemeal fashion. Moreover, if the applicant wishes to amend the refinement plan, then the applicant may avail itself of that under SRC 530.035, but the applicant cannot seek an adjustment for something that is specifically prohibited. Furthermore, the proposed adjustment is prohibited, pursuant to SRC 250.005(2), because the proposed adjustment modifies the applicability of a requirement under the UDC, modifies the definition of a refinement plan, and changes the status of an activity under the UDC.

Because this is the first evidentiary hearing, I respectfully request that the record remain open for seven days to address additional testimony and evidence submitted at the hearing.

For the foregoing reasons, the application is deficient in numerous respects and must be denied at this time as inconsistent with the Fairview master plan and other provisions of the Salem Revised Code.

Sincerely,

A handwritten signature in blue ink that reads "Sean T. Malone". The signature is written in a cursive style with a large, looping initial "S".

Sean T. Malone
Attorney for Jerry Mumper

Cc:
Client

RECEIVED

JUL 23 2019

COMMUNITY DEVELOPMENT

Jerry and Kay Mumper
1454 Grantham Lane SE
Salem, Oregon 97302

Lisa Anderson-Ogilvie
Planning Administrator
City of Salem

July 23, 2019

Re: Case no. FRP-ADJ-SUB 19-01

Dear Ms. Anderson-Ogilvie:

The supplemental staff report states, "Regardless of how much a refinement plan deviates from the conceptual layout shown on the Illustrative Plan, all refinement plans, however, must still be consistent with the goals and policies of the Fairview Plan."

On page 6 of Exhibit 1, under Sustainable Ecological Systems of the Plan, No. 6, Respect the landscape is the statement, "Large existing forest blocks and wetlands are preserved and will be expanded over time."

On page 11 of Exhibit 1 are the statements, "Another mature grove of fir trees is located atop the northwestern ridge of the site. It also will be protected and enhanced as neighborhood park or community open space. Scrub oak and native plants at the southwestern edge of the property will be protected for their ability to serve as wildlife habitat and as an ecological buffer."

On page 12 of Exhibit 1, Green Infrastructure Overview, is the statement, "Providing such an infrastructure has influenced much of the proposed plan, from setting aside the site's significant natural assets..."

On page 18, of Exhibit 1, under Natural Resources, are the statements, "Another mature grove of firs to be protected and enhanced as neighborhood park or community protected open space sits atop the northwestern most ridge of the site. (B) At the southern edge of the property is a considerable acreage of scrub oak and native species that will be protected for its ability to serve as wildlife habitat and provide an ecological buffer." (C)

On this same page is a map showing these two forested habitats and labeled as B and C. This same area is shown on page 5 and is labeled The Woods.

One page 18 of Exhibit 3, Mobility Plan, are the statement under Sustainable Fairview Goals, No. 6 "Respect the landscape, The Sustainable Fairview Pan will work with, not against, the existing landscape. Large forest blocks and wetlands will be preserved and, indeed, expanded over time."

On page 20 of Exhibit 3 is an Appendix A, Sustainable Fairview Principles. Under No. 6, Respect the Landscape are the statements, "The Sustainable Fairview Plan will work with, not against, the existing landscape. Large forest blocks and wetlands will be preserved and, indeed, expanded over time."

It is obvious from the number of, and repetitive nature of these statements, that the preservation, protection, expansion and enhancement of these two fir and oak groves was important to the writers of the Fairview Plan, In order to be consistent with this Fairview Plan The Woods must not be developed and Case no. FRP-ADJ-SUB 19-01 must be denied.

A handwritten signature in dark ink, appearing to read "Jerry Mumper". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jerry Mumper

A handwritten signature in dark ink, appearing to read "Kay Mumper". The signature is cursive and somewhat compact.

Kay Mumper

cc: Bryce Bishop, Planner II
City of Salem

RECEIVED

JUL 23 2019

Jerry and Kay Mumper
1454 Grantham Lane SE
Salem, Oregon 97302

COMMUNITY DEVELOPMENT

Lisa Anderson-Ogilvie
Planning Administrator
City of Salem

July 23, 2019

Re: Case no. FRP-ADJ-SUB 19-01

Dear Ms. Anderson-Ogilvie:

One of the submittal requirements for a refinement plan is: "Proposed method for the perpetual maintenance of any common open space and common facilities:" SRC 530.030(d)(12). Webster defines method as, "a procedure or process for obtaining an object".

The applicant does not propose any method for the perpetual maintenance of any common space, but does state that, "The private streets, utilities, open spaces, common facilities and community areas will be maintained by covenants, conditions, and restrictions established by The Woods Home Owners Association."

Condition 8 of the subdivision approval states, " Prior to final subdivision plat approval, the applicant shall submit a Home Owners Association Agreement and Covenants, Conditions, and Restrictions (CC&R) document for review and approval by the City Attorney for 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." Again this does not describe any method for the perpetual maintenance of any common open space and common facilities.

If the staff argument is that The Woods CC&R will be similar to Fairview Addition CC&R and should satisfy the requirement, The Fairview Addition CC&R only mentions results, not methods. Even the results are subjective as the CC&R states "The Association shall maintain the common property in a good and attractive manner, and in a manner consistent with the development and its surroundings."

The past is often recognized as an indicator of the future. The largest common area in Fairview Addition is along the northern boundary and is sometimes referred to as an urban farm. We realize that good and attractive are both subjective terms, but we don't think that anyone looking at this common space would agree that it is being maintained in a good and attractive manner. We have enclosed four pictures of this common area.

We believe that the record should remain open until the applicant meets the requirements of S303.030(d)(12) by submitting their proposed methods for the perpetual maintenance of any common open space and common facilities, and the public has had an opportunity to comment on the submittal.



Jerry Mumper



Kay Mumper

cc: Bryce Bishop, Planner II
City of Salem



FAIRVIEW
TRAINING CENTER REDEVELOPMENT
MASTER PLAN



EXHIBIT 1

CONTENTS

EXECUTIVE SUMMARY 2

THE PLAN 5

PRINCIPLES 6

REGULATING PLAN 10

OPEN SPACE 11

GREEN INFRASTRUCTURE 12

TRANSPORTATION INFRASTRUCTURE 13

COMP PLAN AND ZONING ORDINANCE 15

EXISTING RESOURCES 16

REUSE PLAN 17

NATURAL RESOURCES 18

TOPOGRAPHY 19

VIEWS 20

VICINITY MAPS 21

CONTRIBUTORS AND CREDITS 22



EXECUTIVE SUMMARY

This master plan is the culmination of a planning process that began in the mid-1990s when the State of Oregon decided to phase out its activities at the Fairview Training Center. The Department of Administrative Services (DAS) initiated a master planning process. The final report, issued in June 1999, identified the goals that the planning group recommended for any future redevelopment. Those goals include livability, community involvement, inclusion of Governor John Kitzhaber's Quality Development Objectives, compatibility with neighboring properties, open space, sensitivity to the property's natural resources and the environment, preservation of historical and cultural features, and opportunities for economic development. In 2001, Sustainable Fairview Associates, LLC (SFA) submitted the winning bid to lead the redevelopment. This proposal for Fairview Training Center Redevelopment (FTCR) builds on the plan and goals the community developed in 1998.

SFA is a group of local residents who see an opportunity to create a community within the City of Salem that is a national and international model for sustainable practices in building, resource use, working, living, and learning. Depending on market conditions, FTCR could contain approximately 2000 new living units, a public elementary school, private schools, a branch library, professional offices, retail and commercial services, places of worship, an eco-industrial park, and a sustainability "think tank," in addition to open spaces and an urban forest. FTCR will be a vibrant part of the City of Salem and the State of Oregon, a part that is connected to the whole and makes a distinctive positive addition.

To be successful, the SFA vision for FTCR will require the ongoing support of the Salem community, the City of Salem, and the State of Oregon. We invite you to participate as we make FTCR a model development in the City of Salem and the State of Oregon.



"To build on the heritage for Fairview with the creation of innovative housing and jobs that support the Environment and Community."



October 2002 Design workshop

Fairview contains 275 acres of rolling hills, grasslands, and clustered buildings inside the city limits of Salem, Oregon. SFA has engaged leading land use planners and sustainability experts to create an innovative community within the City of Salem that embraces new urbanism, smart growth, and environmental design. The site contains more than 700,000 square feet of buildings that will be rehabilitated or removed responsibly; enough land for 2,000 residential units, several businesses, professional offices, schools and other public facilities; places of worship; and an extensive network of linked parks, open spaces, and protected natural resources.

Buildings will be designed or restored in environmentally responsible manners. SFA's goal is to manage the resources of the site to leave them better for its successors than SFA received them. FTCCR will have diverse places to visit. Some will feature vibrant human activities while others will allow for passive enjoyment and reflection. Homes will be within walking distance of The Village Center, containing small shops and a range of private and public services. Civic and cultural opportunities will be available through schools, community centers, parks, and other open spaces. Recreation will be a part of every life, signaled by walking and bike paths connecting all parts of FTCCR. Public spaces and gathering places will be located throughout the community.

FTCCR also will demonstrate multiple uses of human and natural spaces, a concept that is known as "layering." For example, by connecting open spaces, parks, and riparian corridors in developing Fairview, SFA will at once protect native habitat, foster natural storm water filtration, create walking and jogging paths, and preserve the aesthetic pleasure of natural spaces. These multiple uses of human and natural spaces will demonstrate the interconnectedness of the natural and built environments, and will foster lifelong learning, mentoring, and research.

Developing FTCCR offers dramatic benefits to Salem and to the State of Oregon, as well as being a model for other communities in the United States. Among other things, Fairview will:

- Provide a new kind of neighborhood for those who live and work in Salem
- Foster innovative land development and transportation practices
- Create a strong yet dynamic sense of community
- Stimulate and create new employment opportunities
- Demonstrate the efficient use of both natural and human resources
- Preserve a healthy environment for people, nature, and business
- Protect nature and develop new techniques for integrating the natural and built environments
- Use resources to meet the needs of this generation while conserving them for future generations
- Encourage creative ideas, products, and processes, and share them with other communities and developments
- Be a focal point for the growing effort to achieve a balanced, sustainable future

Those who live, learn, create, work, and play in FTCCR will experience the joy of being in a human environment that respects and sustains the natural environment of which it is a part.

The Village Center



View Looking Down Residential Couplet



1908 LeBreton - the first building on the site

The Village Center will be at the heart of FTCCR. New buildings will be integrated with existing structures throughout this commercial and residential hub to create an architecturally dynamic living/working environment. Buildings and amenities will be arranged around a common green. Walking paths and streets will connect offices, housing, and retail services.

Economic Viability

As a mixed-use masterplanned community, FTCCR will attract professional service providers as well as businesses that are interested in delivering sustainable programs and products. FTCCR also will offer creative opportunities for businesses to nurture one another in the emerging restoration economy.

Housing

FTCCR will offer a wide range of housing types, including single-family homes, cottages, townhomes, rowhomes, apartments, condominiums and opportunities for co-housing. Housing will blend in with the natural surroundings and incorporate energy-saving technologies and recyclable materials, from the local area where possible. Thoughtful development strategies will result in mixed-income and active neighborhoods that are designed to take advantage of the retail and employment opportunities FTCCR will create, as well as parks and open space. Affordability will be an integral part of the housing plan.

Transportation

FTCCR will be developed to promote alternative transportation modes and to reduce dependence on automobiles. The road system throughout the development will support various modes of transportation. Housing, jobs, and services in Fairview will be within walking distance of one another.

Diversity

FTCCR will contain a dynamic diversity of businesses and residential neighborhoods. It also will seek to attract persons from a diverse range of cultures, ages, incomes, and interests. And it will offer varied opportunities for employment, recreation, and culture.

Open Space

SFA shares its neighbors' interest in maintaining significant open spaces and preserving the natural environment. FTCCR will maximize common open spaces, parks, and nature preserves. Natural areas will be linked together throughout the development. Existing steep slopes, wetlands, and watersheds will be protected and enhanced.

Infrastructure

FTCCR will incorporate the best existing ideas about designing and constructing infrastructure, including utilities, streets, energy systems, water, storm water, and sewage treatment. FTCCR also will provide opportunities to experiment with leading-edge technologies and to create the technologies that will guide future infrastructure development.

Recreation

FTCCR will create a living and working environment that encourages active lifestyles for persons of all ages and physical capabilities. Existing swimming and other recreational facilities will be rehabilitated, and new recreation activities will be developed in multi-use buildings.

Technology

FTCCR will feature technologies that contribute to efficiency and the stewardship of natural and human resources while generating economic opportunity and enhancing the sense of community.

Education

FTCCR will be a place for lifelong learning about the natural and built environments. Public and private schools, and community centers will foster such learning.

The Arts

As a vital community with a strong emphasis on stewardship of natural and human resources, FTCCR will be a welcoming place for the arts. The setting and amenities will attract artists, community arts associations, and arts-related events.

Health

FTCCR will be a leader in addressing health issues at many levels. Its emphasis on environmentally-sustainable buildings, walkable environments, aesthetic open spaces, nature preserves, social, cultural, and artistic diversity, lifelong learning, economic vitality, and a strong sense of community will contribute to the physical, mental, and spiritual health of those who live and work there or in the surrounding community.

Community

Every aspect of the plan for FTCCR focuses on creating a strong and dynamic sense of community. The built environment will encourage interaction among persons of various backgrounds, ages, interests, beliefs, talents, incomes, and lifestyles. FTCCR will foster connections among people by maintaining common open spaces, and walking and bicycle trails. It will also feature community centers and gardens, integrate educational and recreational spaces for use by seniors and youths, and develop common interests in recycling and protecting natural resources.

Summary

A core perspective motivating the development of FTCCR is that development patterns are evolving, and new ideas and markets are based on innovative approaches that enhance livability. Human beings have a responsibility to make wise choices about where and how they live, how they move around, their patterns of consumption and, most important, how they relate to each other and to the environment. FTCCR will be a model for responsible community development elsewhere.



Buildings will surround the central green



Existing mature tree canopy

SUSTAINABLE LAND USE PRINCIPLES OF THE PLAN

1. Build in Economic and Social Diversity

The plan includes housing units for a minimum of 1,600 families. There will be homes for all types of people: efficiency units appropriate for elderly and singles; rental suites available to low wage working families; spacious homes for people of means; clustered homes for communities of interest. To the maximum extent possible, these units will be mixed so that every block will have homes for different types of people at different stages of their lives and earning potentials.

2. Create a Center

The topography of the Fairview site is unique. It is like an upturned right hand, with the palm in the center and five fingers spreading up and out toward the edges of the site. The plan capitalizes on natural conditions. Since the human and natural flows of the site converge in the hollow "palm" of the site, a new center is envisioned there. This center will be the focus of the most intense urban activity, and it also will be the place with the most dramatic green spaces. Several "central parks," will include manicured playfields that are surrounded by naturalized zones to collect, mitigate, and celebrate occasional rainwater flows from the upper portions of the community.



View southwest toward the proposed Village Green

3. Re-use, retrofit

The Fairview site has a large inventory of existing structures. SFA intends to adapt and reuse as many existing buildings as possible, particularly older buildings that presently form the "crescent". Buildings are not the only asset to be re-used and retrofitted. Existing infrastructure, particularly the existing water system, may be an appropriate candidate for re-use and expansion, reducing the strain on the municipal system, and providing a more distributed green infrastructure.

4. Create Local Employment

Many of the existing buildings are suitable for conversion to business and light industrial uses. New buildings in the center will also provide office and commercial employment opportunities. Ultimately the objective is to provide one job per household. This does not imply that all residents will work at FTCD, but many may. Combined with home occupations, allowed by right, these employment opportunities will reduce off-site transportation impacts.

5. Build Innovative Green Buildings

The site provides ample opportunities for green building innovation. While SFA will not itself develop all buildings on the site, it is committed to setting minimum energy standards and to seeking cost-effective ways to reduce the resources and energy required by all new and retrofitted buildings.

SUSTAINABLE ECOLOGICAL SYSTEMS PRINCIPLES OF THE PLAN

6. Respect the Landscape

The FTCD plan works with, not against, the existing landscape. The natural slopes on the site are preserved for recreational use, for habitat, and for storm water flow. These slopes lead to the Village Green, which is both the ecological and social heart of the community. Large existing forest blocks and wetlands are preserved, and, will be expanded over time.

7. Zero impact to the regional watershed

The FTCD plan works with the natural capacities of the site, particularly in respects to water flow. Low cost and reduced cost infrastructure for parcels, roads, and public green spaces will allow this new community to exert zero impact on the regional watershed and will improve, rather than degrade, the habitat of Pringle Creek.



Reuse of many of the original buildings is possible

8. Layer the Systems

FTCD is designed to integrate systems at all levels and across categories. For example, business and commerce will be integrated with residential uses to create complete communities. Storm water mitigation strategies will be integrated with recreational, habitat, and transportation uses. The integrated green infrastructure system will provide the framework for other sustainable site systems, such as district heat and potentially distributed ecological sanitary systems.

9. Close the Cycle of Energy and Material Flows

The systems described above will tighten the cycle of resource flows on the site. Rainwater that falls on the site will recharge the aquifer below, freshening and supplying the drinking water wells with clean water. Green wastes from the site will be composted and returned to enhance forest growth. Ideally, waste heat from commercial activities will be used to heat residential units in the same building or the same block. Geothermal energy from the ground may provide a practical means to reduce building operating costs. SFA also hopes to institute a state-of-the-art community recycling and composting facility.



View of path along green corridor

SUSTAINABLE TRANSPORTATION AND MOVEMENT PRINCIPLES EMBODIED IN THE PLAN

10. Green Corridors for People and Other Living Things

Wide green corridors with direct connection to hundreds of front doors and porches are a signature feature of the new FTGR. Broad green swaths include a complex layering of habitat, drainage ways, community garden sites, play areas, walking and bike trails, and narrow, low-speed vehicle ways.

11. Transit Close at Hand

SFA is committed to the value of public transit as a fundamental component of a more sustainable Fairview and a more sustainable Salem region. This commitment is epitomized by the inclusion of a "Main Street" that crosses the site from north to south. All homes will be within a six-minute walk of this central spine. The street axis has been aligned in such a way as to be compatible with a future streetcar or BRT (bus rapid transit), should such a system ever be developed in Salem. SFA hopes that regional transit authorities will provide frequent bus connections between the village center and the region.



Green corridor and surrounding neighborhood

THE PLAN

12. An interconnected Street System

FTCR's "Main Street" will be connected to the rest of the site by an interconnected web of streets. The lack of cul-de-sac streets insures that all trips are made by the shortest possible route and that major streets are not overburdened with congestion. The interconnected pattern extends out to the edges of the site, insuring a high degree of connection to surrounding neighborhoods. In this way, FTCR avoids the tendency towards "gated community" planning and provides, instead, a prototype for integration with surrounding areas. This pattern, in concert with the complete community pattern where everyday needs (school, shops, employment, transit) are close at hand, will minimize auto dependence and lead to reduced driving by residents.



Pedestrian friendly buildings along the village green



Aerial view from the southeast show the interconnected street system



View across the central green and soccer fields to the Crescent Campus



Development along Main Street and the Village Center



Upper southeast neighborhood integrated with the orchards

13. Walk Every Day

FTCR will be a walkable community with plenty of places to explore. The design promotes walking at all levels, from walkways on both sides of all streets, to neighborhood parks, to broad greenways leading to village center shops, to bus stops easily accessible from all homes. SFA hopes that by integrating walking into the routine of residents, they will enjoy robust health and an improved quality of life.

REGULATING PLAN

A regulating plan guides the extent and distribution of four types of land use and development intensity on the site. These include:

Village Center (VC)

These areas will contain the most intense and pedestrian-oriented residential, commercial, employment, and civic land uses.

Adaptive Use (AU)

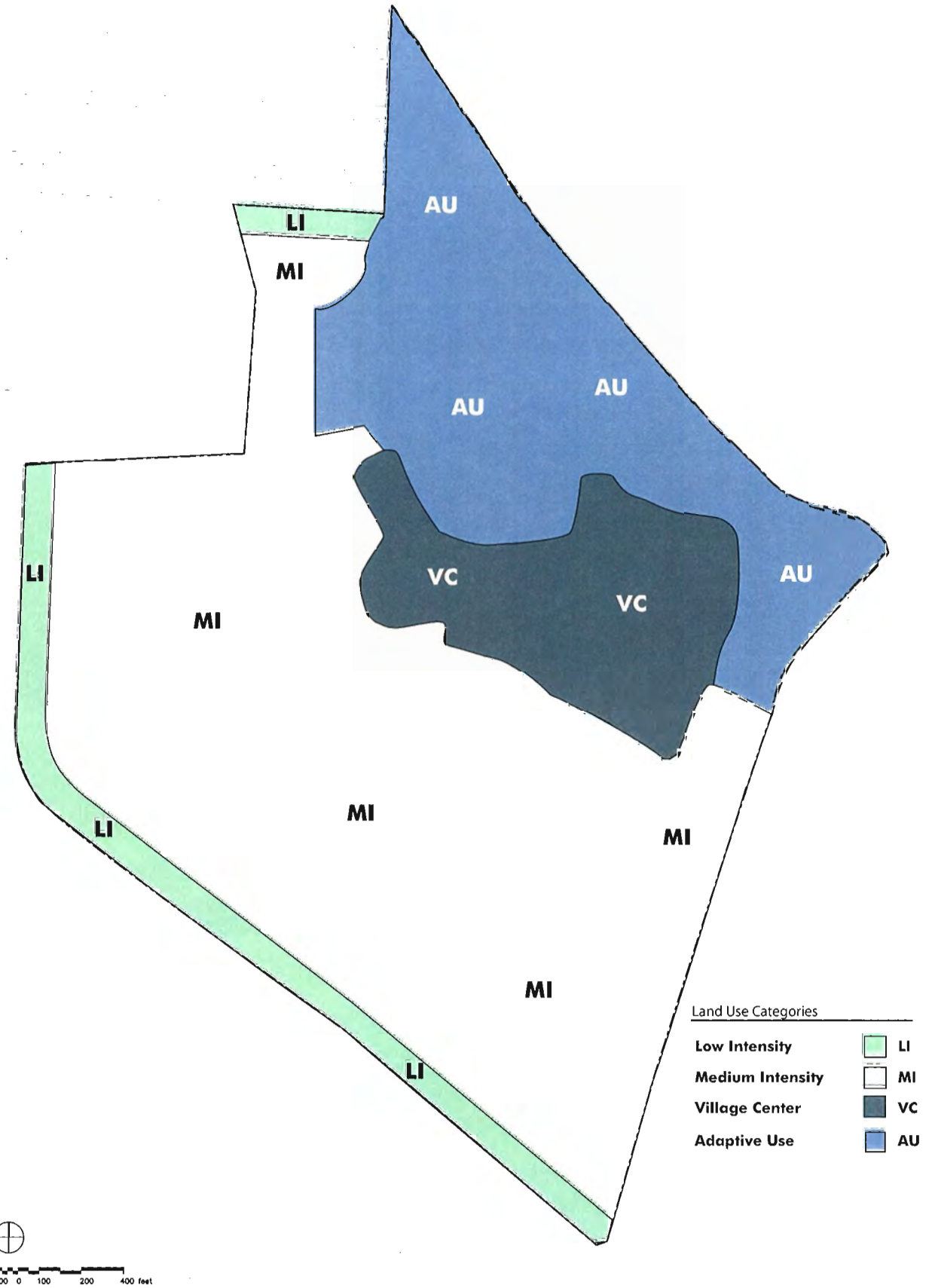
These areas represent the highest concentration of existing development patterns and buildings on the site. The plan anticipates that many structures be rehabilitated and adapted to a diverse range of residential and non-residential uses.

Medium Intensity (MI)

These areas will contain primarily residential uses with a modest mix of smaller neighborhood-scale commercial, employment, and civic uses.

Low Intensity (LI)

These areas accommodate exclusively residential uses. No non-residential uses are permitted.



OPEN SPACE

Wetland and Aquatic Habitat

Wetlands serve an essential ecological function in natural and built environments. The plan for FTGR recognizes existing wetlands and potential wetlands at several locations near Pringle Creek and in the southeastern central area of the property. These areas will be protected, enhanced, and managed to facilitate storm water runoff, provide water filtration, create wildlife habitat, and protect native species.

Pringle Creek is a salmonoid-bearing stream that has suffered serious degradation as a result of human settlement and past water and stream management. This plan proposes stream enhancement with native species and current best practices for stream restoration.



Development along the Pringle Creek corridor



Aerial view of the central greens

Forested Habitat and Wildlife Corridors

A mature grove of fir trees along Pringle Creek creates a park-like environment that will be protected and enhanced as either neighborhood park or community open space. Another mature grove of fir trees is located atop the northwestern edge of the site. It also will be protected and enhanced as neighborhood park or community open space. Scrub oak and native plants at the southwestern edge of the property will be protected for their ability to serve as wildlife habitat and as an ecological buffer. A small mature oak grove on the eastern edge of the property will frame the "front door" entrance to FTGR from the south.

The southeastern corner of the property once served as an orchard that generated fruit and nut products for former residents. While this orchard is seriously degraded and has served its useful life, it will be memorialized and continued in some manner.

Much of the existing site was developed and landscaped over the past century; there are mature trees around existing buildings and roads. To the extent possible, existing healthy trees will be preserved.

Neighborhood Parks and Open Space

This proposal recognizes the need and desirability of a city park within the boundaries of the development. Consistent with policies of the City of Salem and the Salem-Keizer School District, that park may be incorporated into plans for an elementary school in FTGR.

A community green located along main street in the Village Center will serve as sports field and community gathering place, and a recreational, social, and aesthetic amenity, while also functioning as a storm water management device and an environmental education tool. Additionally, this proposal anticipates public and private "pocket parks" in individual neighborhoods. These parks may include community gardens and meeting facilities.

The Possible Building and adjacent park space have historic importance as resources that were built and landscaped to recognize clients and staff of the former Fairview Training Center. This proposal honors that area.



Pocket Park with water feature

GREEN INFRASTRUCTURE

Overview

SFA is committed to development that integrates the best land use and transportation practices with natural resource protection and conservation, particularly in areas of water, waste, and energy management. Ensuring that future development is able to meet that commitment depends in significant part on establishing an integrated, public "green infrastructure" into which private development can connect in orderly, efficient ways.

Providing such an infrastructure has influenced much of the proposed plan, from setting aside the site's significant natural assets to allocating land uses, to the laying out of street networks. Taken together, these spatial and policy features of the plan facilitate use of natural, non-mechanical strategies and methods to meet the needs and mitigate the impacts of future development.



Pedestrian path crossing a green drainage corridor

WATER MANAGEMENT INFRASTRUCTURE

Water management infrastructure conserves fresh water resources and reduces stormwater runoff and associated nonpoint source pollutants that would otherwise drain into natural areas and streams.

FTCR's water management infrastructure begins with the natural landscape and preserving the site's natural hydrology and existing drainage patterns. Before and after development, water will flow naturally from the elevated terrain along Battle Creek Road along four roughly parallel corridors into the Village Center area south of the Crescent and, ultimately, to Pringle Creek at the north. Along the way, every opportunity will be made to naturally cleanse, infiltrate, and recharge the aquifer.

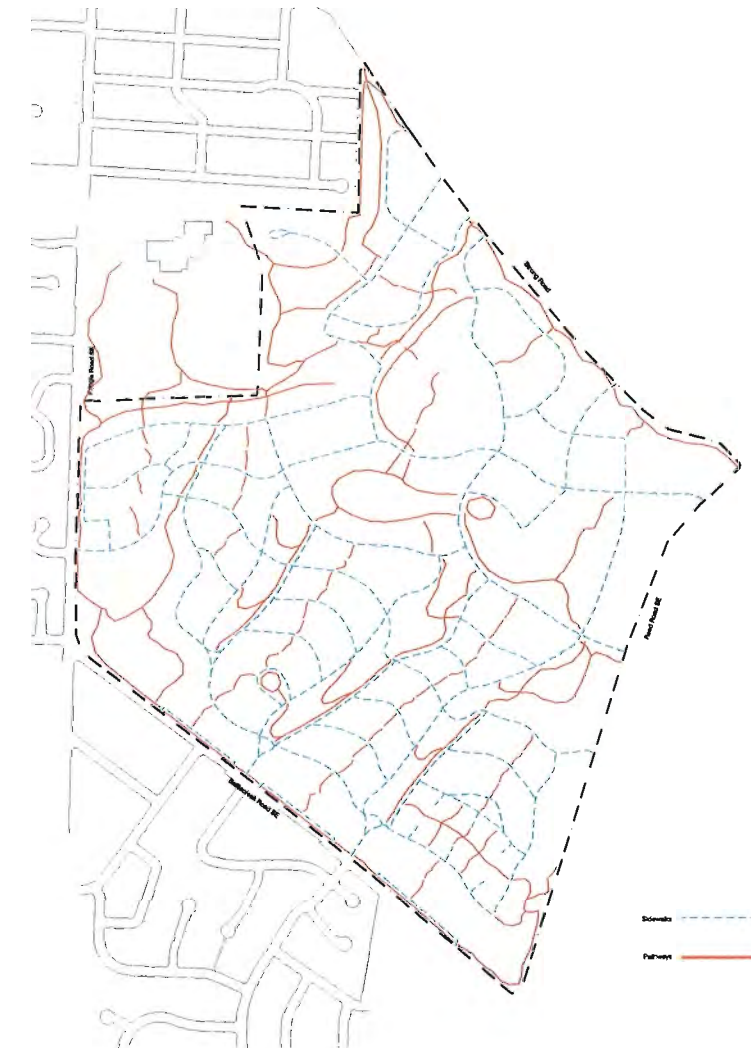
This natural hydrology in combination with stormwater management strategies (elaborated below), will make it possible for this site to absorb a 1" rainfall in 24 hours. This standard effectively achieves zero negative impact on the regional watershed and net improvement, rather than degradation, of water quality and habitat in Pringle Creek.

Stormwater Management

The opportunity afforded by these natural drainage patterns is amplified by stormwater-sensitive planning, design and engineering practices throughout the plan's developed areas. These practices will reduce runoff from developed areas and create additional opportunities to naturally cleanse and infiltrate runoff before it enters natural drainages.

Key elements of the plan's stormwater management infrastructure include:

- sufficient open space located and set aside to accommodate natural drainage and infiltration functions
- street networks that reduce disruption of steep slopes and natural drainages
- open space, streets, and street networks that accommodate the movement and infiltration of water from developed areas to natural drainage ways



50+ acres will serve green infrastructure

TRANSPORTATION INFRASTRUCTURE

A community's transportation system shapes its character and affect its vitality. The transportation vision for Fairview includes autos and other internal combustion-powered vehicles, but will work to reduce auto emissions, fossil fuel use, and lane-miles of asphalt, and to increase the health of the community by fostering the development and use of other transportation systems.

The transportation strategy for FTCR rests on the following principles:

- Maximize the accessibility to civic amenities (schools, library, and community services), - employment, retail shopping, recreation, and other community events by non-vehicular travel
- Provide access for vehicles, but design and operate the on-site transportation system to give priority to pedestrians, bicycles, and transit services
- Make transportation systems flexible enough to adapt to new technologies.

Based on those principles, the key components of the transportation system are:

- Interconnected streets and pathways designed to follow topographic contours and to connect all elements of the community.
- Mixed-use, high-density commercial and business enterprises at The Village Center that are populated densely enough to warrant public transit.
- An internal bicycle and walkway system connecting all facets of the community.
- A main street through FTCR to provide access for all modes of transportation. The main street will emphasize movement through The Village Center and will be the main transit corridor.
- A network of "skinny" streets to individual neighborhoods that will reduce water run-off, heat absorption, and vehicle

speeds.

- Traffic-calming features built into the street network to reduce vehicle speeds and to improve pedestrian/bicycle safety.
- High-capacity transit corridors that are easily accessible to all households and businesses. The main street will be the on-site corridor. Pringle Road and Battle Creek Road will be the off-site corridors.

The developers of FTCR aim to increase the percentage of non-single occupant vehicle (non-SOV) trips to 40% of total trips within 10 years and to 55% within 20 years.

Percentage of all non-SOV trips to and within FTCR:

year	10 year	20
Walk	10%	16%
Bike	5%	9%
Transit (fixed route and TDM)	5%	11%
Carpool	15%	10%
Work at Home	5%	9%
Total Non-SOV	40%	55%

The targeted increases in non-SOV travel increase over 20 years also assumes:

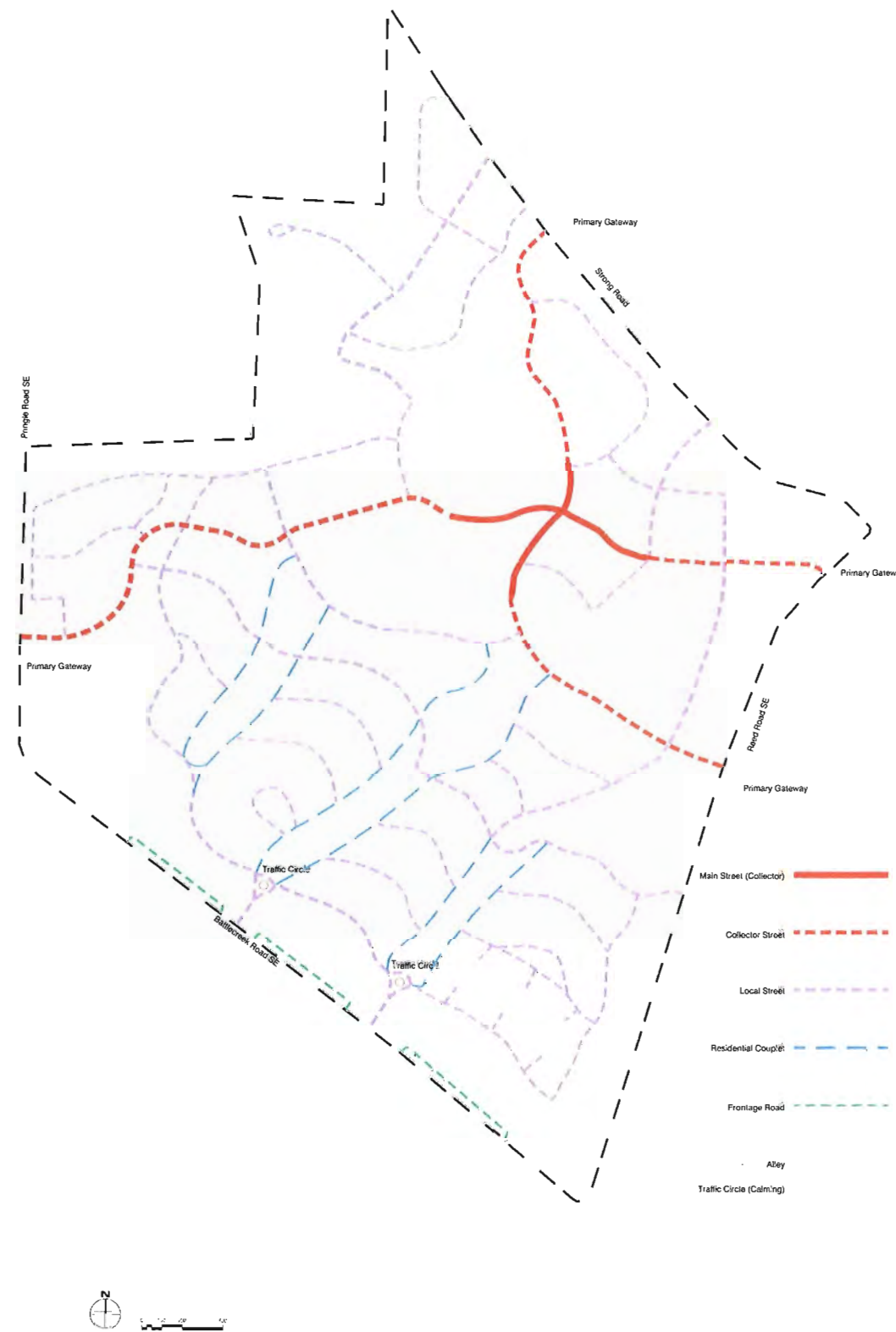
- A large number of households within walking distance of frequent on-site and off-site transit options
- A complete pedestrian and bike system
- On-site work centers (whether within the home or employer-approved worksites throughout FTCR).



Network of 'skinny' streets



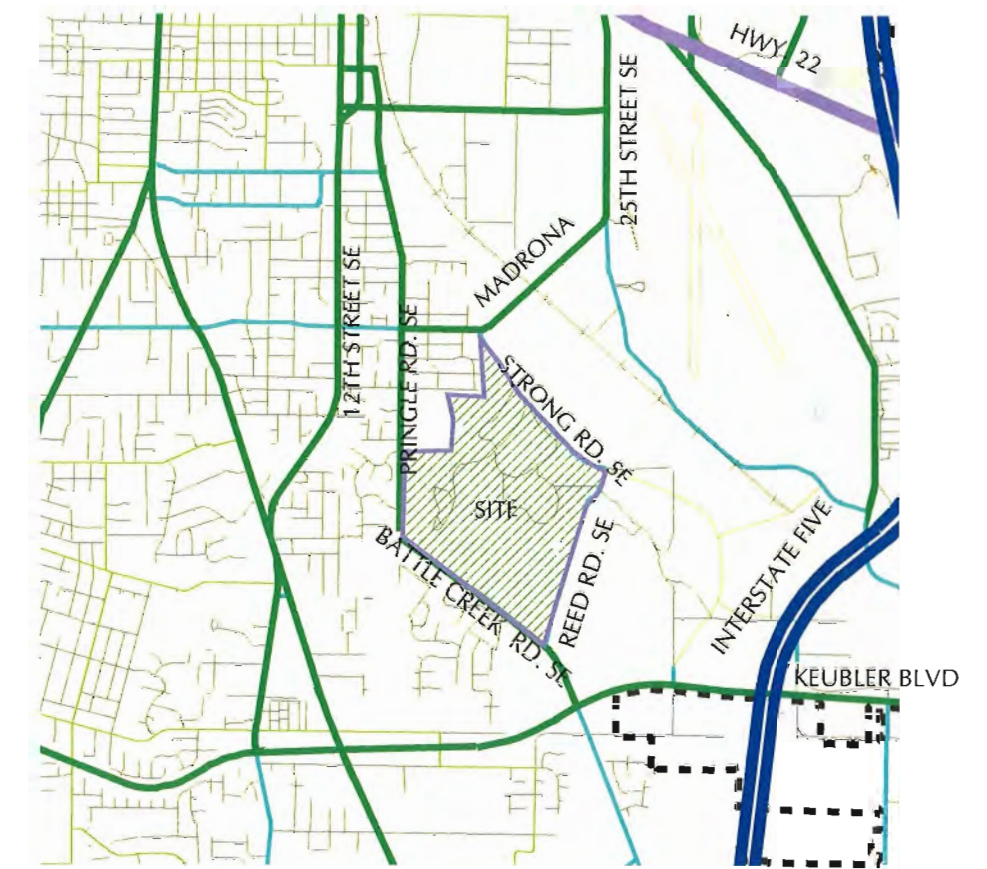
One-way couplet with riparian corridor



STREETS

The visual appearance of streets significantly affects the aesthetics of a community. Streets in FPCR will weave together neighborhoods and help to establish the visual identity of the community. The streets in Fairview will have the following features:

- Streets will be narrow, to increase land availability for development, landscaping, structures, natural areas, sidewalks, and foot paths, and to encourage multiple and more sustainable modes of transportation.
- Narrow streets will promote the appearance of a village and have low visual impact on the environment.
- Storm water swales adjacent to the streets will improve water quality, simulate natural drainage conditions, and create roadway aesthetics.
- Permeable pavers will create aesthetic roadways that also contribute to the sustainable management of water runoff.



Street Network Plan

Existing Primary Transportation Corridors

COMPREHENSIVE PLAN AND ZONING ORDINANCE

Development Standards

The Fairview Mixed-use Zone establishes a clear process for adoption of development standards through the Refinement Plan process (FMU Zone 143C.100) or the standards listed in this section. Refinement Plan Standards may regulate detached, secondary buildings such as garages, accessory dwelling units and define parking standards.

Architectural Standards

Architectural Standards will be implemented by Conditions, Covenants and Restrictions adopted over time to allow the project to evolve in response to developer design values and consumer preference.

Landscape Standards

Landscape Standards will also be implemented by Conditions, Covenants and Restrictions. Landscape Standards will set minimum requirements for the character of the public realm - streets, parks, and landscaped open spaces - and the portion of private lots that face or adjoin the public right-of-way. The Landscape Standards will incorporate principles similar to the Architectural Standards: a few timeless design and planting precepts that are consistent with good local and regional traditions. For example, street trees should have a specific size and shape that help create street enclosure, with growth characteristics that are appropriate to the Willamette Valley climate. Modest plantings and site improvements can contribute to a individual lot and to the whole neighborhood without overpowering either.



Utilize the site's natural attributes and assets



Mixed-use areas that are pedestrian friendly

EXISTING RESOURCES

BUILT RESOURCES

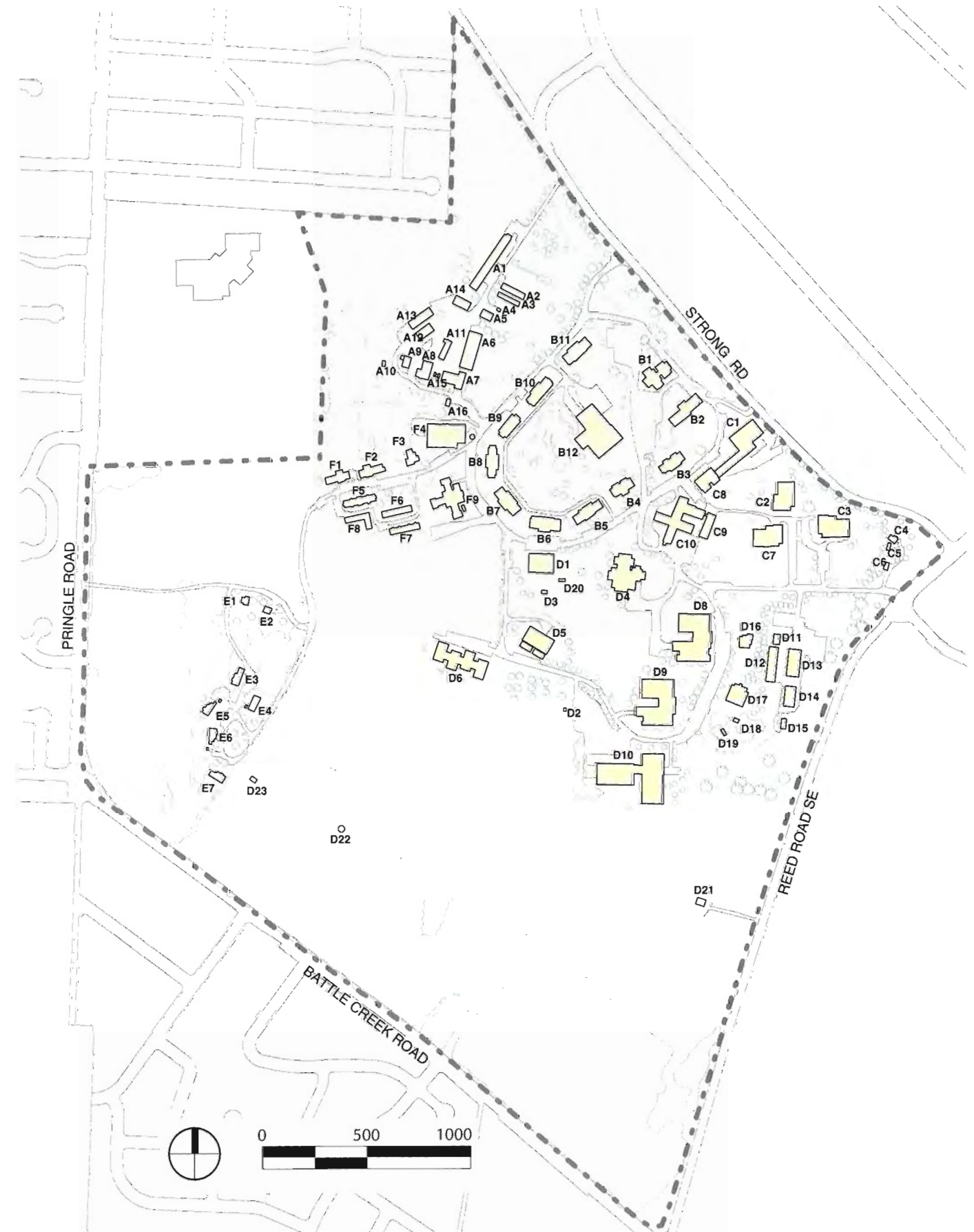
The site presently contains 59 buildings constructed between 1908 and the 1980's. Some of the buildings are in good condition; many are not. Together, they cover approximately 700,000 square feet of floor space. The buildings include a hospital, a food service building, a school, a multi-purpose recreation facility, a community center, employee and residential housing structures, maintenance buildings, a steam plant, and a large laundry facility.

Some of the existing buildings are similar in architectural style. However, much of the site appears to have been designed and developed incrementally without regard to relationships among buildings and the natural environment.

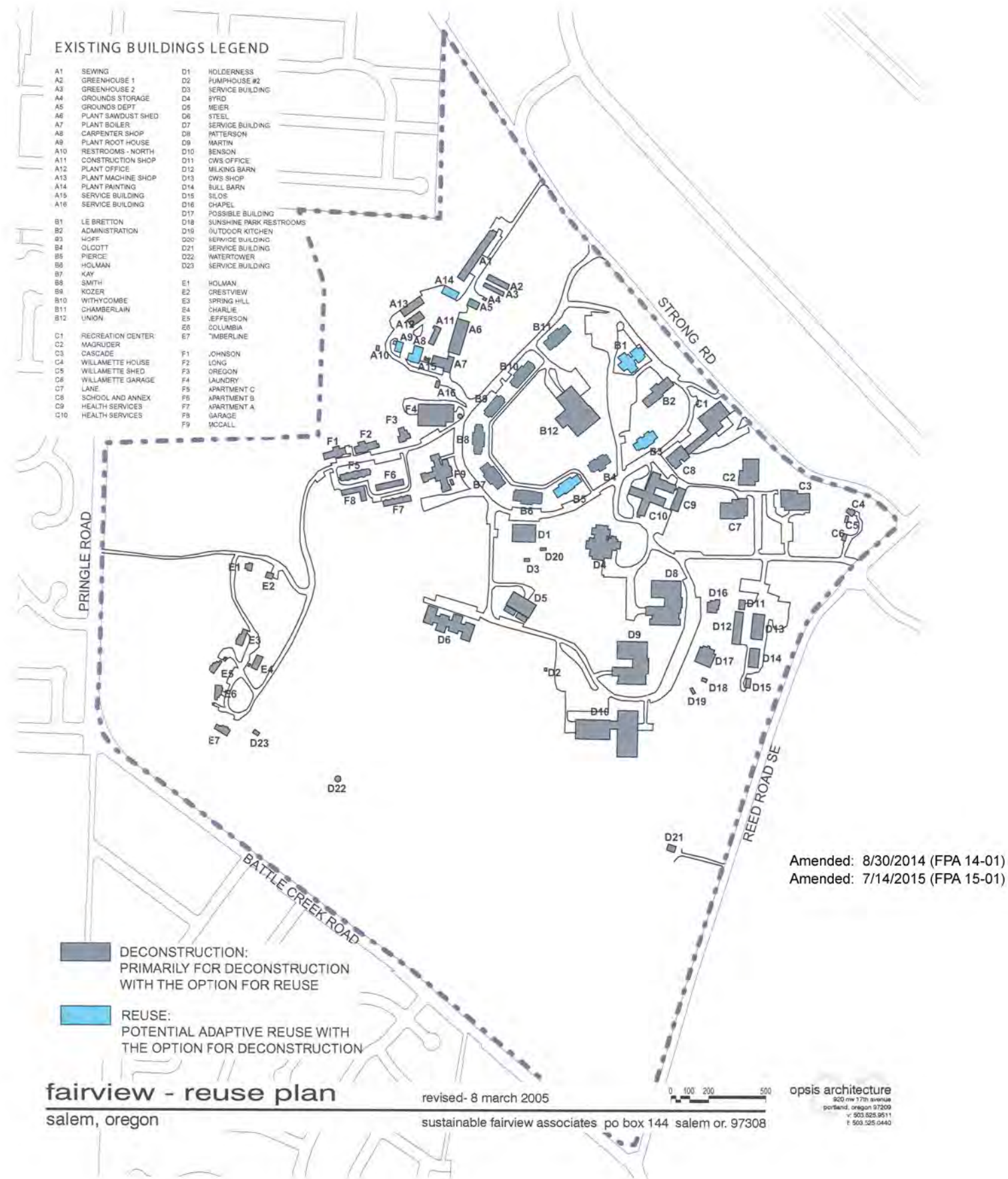
A road system laid out over a period of many years serves about 100 acres of the site, not including a spur road that provides access to a small residential enclave and large water tower on the west side of the property. The roads are not in good condition and do not achieve the goals of providing comfortable and efficient pedestrian and vehicle access. However, several of the roads have mature landscaping adjacent to them.

The existing infrastructure also includes a central heating system that serves several of the buildings on site. Presently, natural gas fuels that system, and steam is distributed through an underground tunnel system.

The City of Salem provides water, storm water, and sanitary treatment services. However, the property also has on-site wells with supplemental water storage and distribution facilities.



Existing Buildings and Roads



REUSE PLAN

SFA intends to restore and reuse the existing buildings wherever possible, while recognizing the constraints of existing building location, design, orientation, and the inefficient use of resources in some existing structures. Adaptive reuse of some buildings will lead to their revitalization for both economic and community purposes. Removal will be based on U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) principles or the equivalent and will strive to maximize reuse of materials and minimize the impact on landfills. New buildings will be designed to complement the long-range vision for FTCT and will be constructed under LEED standards.

Existing roadways will be carefully considered for reuse based on the benefit of their adjacent landscaping as well as their capacity to create safe and comfortable pedestrian connections.

Existing utility infrastructure will be upgraded and replaced over time, with new and innovative technologies that are resource efficient.



Renovation of the Crescent campus buildings is planned

EXISTING RESOURCES

NATURAL RESOURCES

The natural environment of plant, wildlife, and topographical elements includes slopes, views, wetlands and ponds, trees, streams, and wildlife habitat.

A broad range of tree species and woodland characters are present. Much of the site was developed and landscaped over the past century. There are mature trees that have been planted and cultivated around existing buildings and roads.

Along Pringle Creek a mature grove of fir trees creates a park-like environment that will be protected and enhanced as either neighborhood park or community protected open space. (A)

Another mature grove of firs to be protected and enhanced as neighborhood park or community protected open space sits atop the northwestern most ridge of the site. (B)

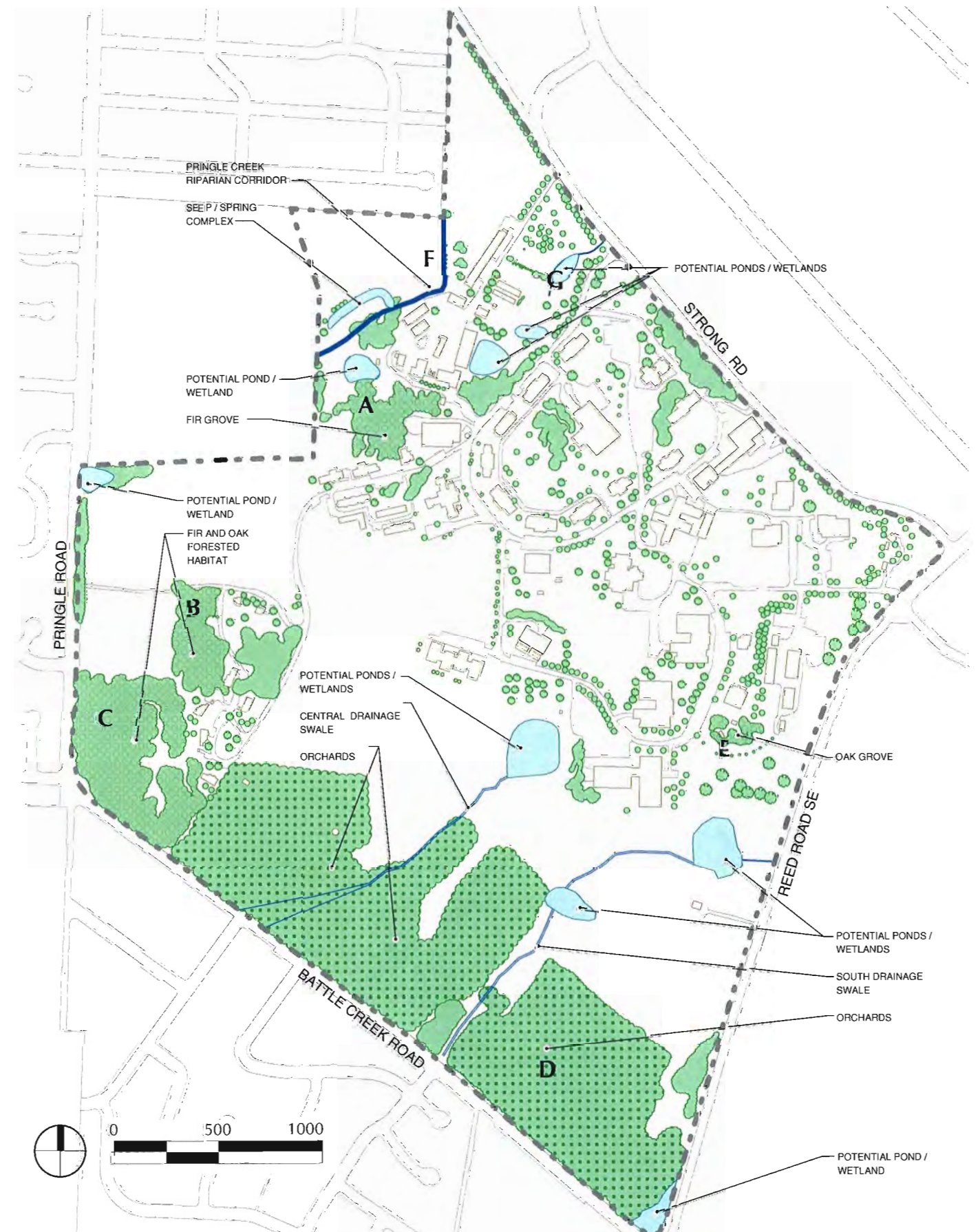
At the southwestern edge of the property is a considerable acreage of scrub oak and native species that will be protected for its ability to serve as wildlife habitat and provide an ecological buffer. (C)

The southeastern corner of the property once served as an orchard that generated fruit and nut products for residents of Fairview. While this orchard is seriously degraded and has served its useful life, it will be memorialized with a replanting of similar species. (D)

A small mature oak grove on the eastern edge of the property frames the "front door" entrance to Fairview from the south. (E)

Wetlands serve an essential ecological function in our natural and built environments. This master plan recognizes existing wetlands and potential wetlands at several locations near Pringle Creek and in the southeastern central area. (Refer to legend on adjacent map)

Pringle Creek is a salmonoid bearing stream that has suffered serious degradation as a result of human settlement and past approaches to water and stream management. In addition to the Pringle Creek riparian corridor identified (F), there is an artificial pond that serves as part of the current gateway entrance to Fairview. (G)



Existing Natural Resources



MAP LEGEND

slopes over 20%

10% - 20% slopes

Existing Slope Analysis Diagram

TOPOGRAPHY

The property ranges in elevation from 208 feet above sea level to 374 feet on the ridge top to the west. Gentle slopes predominate on the western half of the site, with few pitches exceeding 20%. Existing creeks and streams create simple valleys falling west-to-east. Pringle Creek drainage provides some of the steeper slopes on the northern portion of the site.



View from the hilltop looking north



Aerial view of proposed development looking southwest

EXISTING RESOURCES

VIEWS

Located in south Salem, the property offers several spectacular views of the eastern half of the Willamette Valley, with the distant peaks of the Cascade Range on the horizon. The fertile rolling foothills of the Cascades feature prominently in those vistas, especially from atop the four ridges on the western half of the site. Even lower down on the ridges, the consistent contours of the land permit extraordinary views to the east. Selected areas on the northern half of the property provide aesthetic views along the Pringle Creek corridor. A slight rise at the area presently known as The Crescent provides a panoramic view southwest, up the main ridges.



Distant view looking northeast



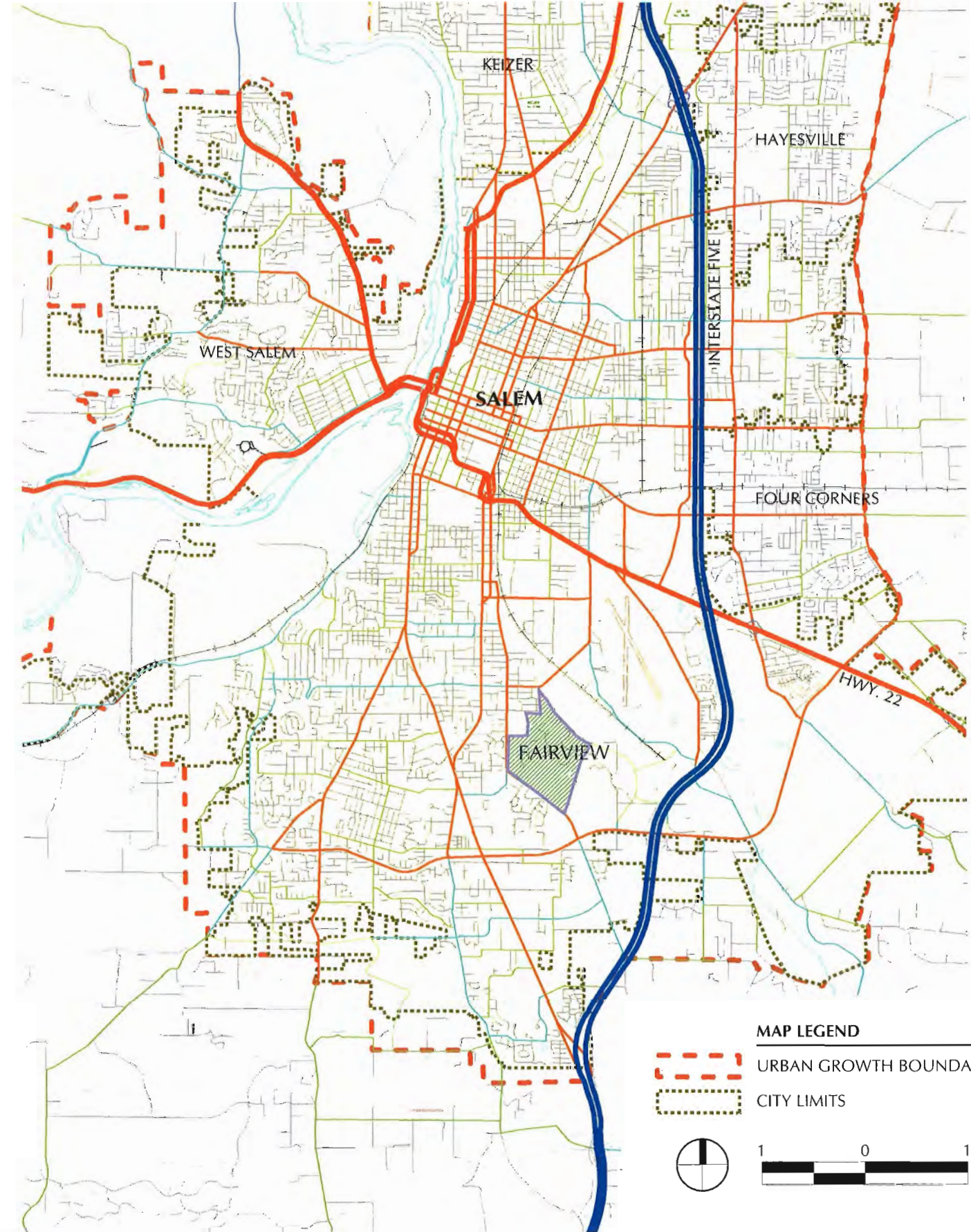
View from the hilltop looking toward the crescent campus



Existing View Analysis Diagram



Aerial Image of Fairview and Vicinity



Regional Map of the Fairview Site

CONTRIBUTORS

MASTER PLAN CORE DESIGN TEAM

Sustainable Fairview Associates

Sam Hall, Managing Member
Salem, OR

Opsis Architecture LLP

Portland, OR

AC Nielsen Development Services

Salem, OR

Patrick Condon

University of British Columbia
Vancouver, B.C.

ADDITIONAL SUPPORT

W & H Pacific
Salem, OR

Endex Engineering, Inc.
Corvallis, OR

PBS Environmental, Inc.
Portland, OR

Sustainable Systems Design
Portland, OR

Rocky Mountain Institute
Snowmass, CO

Arup

Seattle, WA

Neighborhoods Lab

Department of Architecture
University of Oregon
Eugene, OR

Ramsay Worden Architects, LTD

Vancouver, B.C.

Ecotrust

Portland, OR

Lennertz Coyle & Associates, LLC
Portland, OR

Don Forbes Consulting
Salem, OR

Lynn Peterson Consulting
Portland, OR

2020 Engineering, Inc.
Bellingham, WA

CREDS

Page 1 -

Image 3 - Atelier Dreiseitl, web site

Page 3

Map - Oregon Department of Transportation (ODOT)
Web Site

Aerial - Oregon Department of Forestry FTP site, circa 1990

Page 6

Aerial image from Archives.

Page 10

Upper Image and Lower Image - Place Making - Developing Town
Centers, MainStreets, and Urban Villages by Charles C. Bohl,
published by Urban Land Institute (c) 2002

Page 11

Image -Density by Design - New Directions in Residential
Development by Steven Fader, published by Urban Land

Institute (c)

2000

Page 16

Sketch by Peter Walker/Opsis Architecture

Page 17

Image - Atelier Dreiseitl, web site

Page 18

Image - Atelier Dreiseitl, web site





off-street pathway and open space plan

Fairview Training Center Redevelopment-Salem, Oregon
Sustainable Fairview Associates, LLC
October, 2004



MEMO

TO: Bryce Bishop, Planner II
Community Development Department

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

DATE: July 16, 2019

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
FRP-ADJ-SUB19-01 (17-124220-ZO, 19-113933-ZO, & 17-124217-LD)
4100 TO 4200 BLOCKS OF PRINGLE ROAD SE AND 4200 BLOCK OF
BATTLE CREEK ROAD SE
16-LOT SUBDIVISION

PROPOSAL

A consolidated application to develop approximately 14.07 acres of the former Fairview Training Center site. The application includes the following:

1. A Refinement Plan, pursuant to SRC 530.030, for the approximate 14.07-acre property setting forth the requirements and standards for future development of the property consistent with the provisions of the Fairview Mixed-Use Zone (SRC Chapter 530) and the adopted Fairview Plan;
2. A Class 2 Adjustment to reduce the minimum required size of a refinement plan from 40 acres, as required under SRC 530.030(b), to approximately 14.07 acres; and
3. A Subdivision to divide the 14.07-acre property included within the Refinement Plan into 16 lots ranging in size from approximately 13,499 square feet to approximately 47,096 square feet.

The property is zoned FMU (Fairview Mixed-Use) and is located in the 4100 to 4200 blocks of Pringle Road SE and the 4200 block of Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W1100202).

RECOMMENDED SUBDIVISION CONDITIONS

1. Construct a minimum 46-foot-wide improvement along the entire frontage of parcels 2 and 3 of Partition Plat 2015-29 to Minor Arterial standards, including tapers pursuant to PWDS. The sidewalk may meander and be located within an easement east of the property line in order to preserve existing trees along the property frontage. The Boundary street improvements for the parcel 3 frontage may be

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

deferred through an amendment to the existing Construction Deferral Agreement.

2. Construct internal streets to Local street standards pursuant to PWDS, except as otherwise provided in the alternate cross-sections pursuant to the refinement plan.
3. The emergency access to Pringle Road SE will be allowed only as required by the Fire Marshal.
4. For all lots proposed with dwellings constructed at a finished floor elevation greater than 358 feet, extend water main(s) pursuant to PWDS from the terminus of the existing S-2 water main at the intersection of Battle Creek Road SE and Sunland Street SE to serve those lots.
5. Construct water and sewer systems to serve each lot.
6. Design and construct stormwater facilities pursuant to SRC Chapter 71 and PWDS.
7. Provide easements for public utilities located within private streets pursuant to PWDS 1.8(f).
8. Show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements pursuant to SRC 802.040 and PWDS.
9. Dedicate a 10-foot public utility easement along the street frontage of all internal streets.

FACTS

Water

1. Existing Conditions
 - a. The majority of the subject property is located within the S-1 water service level.
 - b. Portions of the property above the 358-foot elevation are within the S-2 water service level.
 - c. A 16-inch S-1 water main is located in Battle Creek Road SE and Pringle Road SE. Mains of this size generally convey flows of 3,800 to 8,800 gallons per minute.
 - d. An 8-inch S-1 water main is located in Braden Lane SE. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

- e. A 16-inch S-2 water main is located at the intersection of Sunland Street SE and Battle Creek Road SE, southeast of the subject property.

Sanitary Sewer

1. Existing Condition—An 8-inch sewer main is located in Braden Lane SE.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Braden Lane SE.
- b. A City ditch is located along the Battle Creek Road SE and Pringle Road SE frontage.

Streets

1. Battle Creek Road SE and Pringle Road SE
 - a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
 - b. Existing Condition—This street has a varying improvement width within a varying-width right-of-way abutting the subject property.

CRITERIA AND FINDINGS

SRC 205.010(d)(1)—The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

1. Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
2. City infrastructure standards; and
3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Findings—The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes (ORS)* and

SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined no floodplain or floodway areas exist on the subject property.

A 10-foot-wide public utility easement is required along the entire frontage of all internal streets pursuant to SRC 803.035(n).

According to the Salem-Keizer Local Wetland Inventory the subject property does not contain any wetland areas.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 Landslide Hazards, there are areas of landslide susceptibility on the subject property. There are 2-point and 3-point mapped areas on the property pursuant to SRC Chapter 810. The proposed subdivision adds three activity points to the proposal, which results in a total of five to six points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geotechnical report, prepared by Carlson Geotechnical and dated March 14, 2018, along with a memorandum dated June 5, 2019, was submitted to the City of Salem. This assessment demonstrates the subject property could be subdivided and developed with single-family dwellings, without increasing the potential for slope hazard on the site or adjacent properties.

SRC 205.010(d)(3)—Development within the tentative subdivision plan can be adequately served by City infrastructure.

Findings—Portions of the subject property are located within the S-2 water service level. Because of this, S-2 water mains will need to be extended to the property through adjacent parcels pursuant to PWDS. Water mains located outside of the right-of-way require a Design Exception approved by the City Engineer. S-1 water infrastructure is available in Braden Lane SE and is adequate to serve parcels located within the S-1 water service level (less than 358 feet of elevation). Sewer and Stormwater infrastructure are available along the perimeter of the site and are adequate to serve the property. Developments are required to extend public utility services to serve upstream and neighboring properties.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant's engineer submitted storm drainage calculations that demonstrate compliance with Stormwater PWDS

Appendix 004-E(4)(b). At the time of development, the applicant shall design and construct stormwater facilities to accommodate future impervious surface on all proposed lots pursuant to SRC Chapter 71 and PWDS.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. The applicant shall show all necessary access and utility easements on the plat and provide appropriate documentation of infrastructure maintenance agreements pursuant to SRC 802.040 and PWDS

SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the Salem TSP. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding—Battle Creek Road SE and Pringle Road SE abuts the subject property and does not meet the current standard for a Minor Arterial street. Pursuant to SRC 803.040, the applicant is required to construct a minimum 46-foot-wide street improvement along the entire frontage of parcels 2 and 3 of Partition Plat 2015-29 to Minor Arterial standards, including tapers pursuant to PWDS. This street is approved as an alternative street standard pursuant to SRC 803.065(a)(3) due to the existing topography and trees along the frontage. The sidewalk may meander and be located within an easement east of the property line in order to preserve existing trees along the property frontage.

The Boundary street improvements for the parcel 3 frontage may be deferred through an amendment to the existing Construction Deferral Agreement (Reel 3690, Page 288, Marion County Records). If the Boundary improvements abutting parcel 2 are completed and the parcel 3 frontage is deferred, then the performance security required under Condition No. 1.b of the phased subdivision approval of Fairview Refinement Plan / Partition / Phased Subdivision Case No. FRP-PAR-SUB14-01 shall be reduced proportionally based on the frontage of parcel 3.

No access is proposed to Battle Creek Road SE and Pringle Road SE. The emergency access to Pringle Road SE will be allowed only as required by the Fire Marshal. Access and circulation is proposed to connect to existing and future Local streets constructed as part of the Fairview Addition West subdivision.

All internal streets shall be constructed to Local street standards pursuant to PWDS, except as otherwise provided in the alternate cross-sections pursuant to the refinement plan. The material and width of the proposed internal streets is specified in the refinement plan. The proposed internal streets provide for safe two-way traffic and use alternative materials that are acceptable for privately maintained streets. Design Exception requests will be considered at the time of infrastructure construction pursuant

to SRC 77.090.

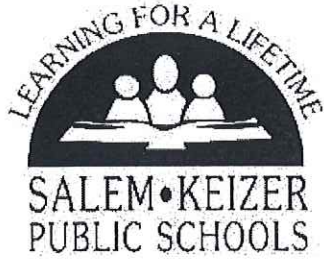
SRC 205.010(d)(6)—The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Findings—The Comprehensive Parks Master Plan Update shows the subject property is not served by developed parks. Hilfiker Park is an undeveloped park approximately one thousand feet south of the proposed development. Pedestrian connections to local parks will be provided as depicted in the refinement plan.

SRC 205.010(d)(7)—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

Findings—The applicant submitted a draft trip generation addendum for the Fairview Woods Refinement Plan to address the impact to the Sustainable Fairview Development Master Plan. This addendum was dated March 30, 2018, and demonstrated that additional traffic created by the proposed subdivision totals 135 net new daily trips. No additional mitigation is required for this development.

Prepared by: Jennifer Scott, Program Manager
cc: File



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

Christy Perry, Superintendent

July 8, 2019

Bryce Bishop, Planner
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RE: Land Use Activity Case No. FRP-ADJ-SUB19-01, 4100-4200 Blocks of Pringle Rd. SE

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

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

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

School Name	School Type	Grades Served
Morningside	Elementary	K thru 5
Leslie	Middle	6 thru 8
South Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

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

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Morningside	Elementary	370	445	83%
Leslie	Middle	785	969	81%
South Salem	High	1,926	1,797	107%

Table 2

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

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	40	SF	0.194	8
Middle	40	SF	0.101	4
High	40	SF	0.1143	6

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

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

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Morningside	Elem.	370	67	8	75	445	100%
Leslie	Mid.	785	58	4	62	969	87%
South Salem	High	1,926	87	6	93	1,797	112%

Table 4

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

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

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

School Name	School Type	Walk Zone or Eligible for School Transportation
Morningside	Elementary	Walk Zone
Leslie	Middle	Walk Zone
South Salem	High	Eligible for Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

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

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	8	\$51,123	\$408,984
Middle	4	\$60,232	\$240,928
High	6	\$69,342	\$416,052
TOTAL			\$1,065,964

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2018 Second Quarter.

School District fiber utility lines, both aerial and buried fiber, exist adjacent to the subject property, along the southwest side of Battle Creek Rd. SE and along the west side of Pringle Rd. SE.

Sincerely,

David Fridenmaker, Manager
 Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Manager – Custodial, Property and Auxiliary Services, Michael Shields, Director of Transportation

LOWER COLUMBIA RESEARCH & ARCHAEOLOGY LLC

3327 NE SIMPSON ST. PORTLAND OR 97211 503-281-0204
lowercolumbia@gmail.com

Attachment J

August 14, 2018

RE: A possible petroglyph rock was recorded by Melissa Darby in 2004 as site 35MA00194.

To Whom It May Concern:

The present author, Melissa Darby, petroglyph expert Robert David PhD, and State Archaeologist Dennis Griffin PhD, examined the possible petroglyphs on a glacial erratic boulder in the Pringle Creek area of Salem on August 13, 2018.

The incised lines appear to be either natural or made by a backhoe or some such vehicle, and therefore the incised lines are not cultural.

It was agreed that the rock can be moved to a different location, within 200-feet of its current location, in order to facilitate development of the property. It was also agreed that on the day the rock is to be moved, an archaeologist will be present to examine the procedures and re-examine the rock to see if any cultural petroglyphs show up in different light.

Sincerely,



Melissa Darby MA
Senior Archaeologist

Attachment K

Date: 7/9/19
To: Bryce Bishop
From: Eric Olsen
Re: Conditions of Approval as described in FRP-ADJ-SUB19-01

Mr. Bishop,

Thank you for your recent staff report related our Refinement Plan for The Woods. In general, we are agreeable to most conditions set forth by City Staff. Three, however, we hope to have consideration for either clarification or re-evaluation by Public Works. Because of the holiday and the delay in issuance of the Staff Report, we request a continuance that would permit adequate time to consult with the City.

Condition 1: Extend water main(s) pursuant to the PWDS from the terminus of the existing S-2 water main at the intersection of Battle Creek Road SE and Sunland Street SE to serve proposed parcels with a finished floor elevation greater than 358 feet.

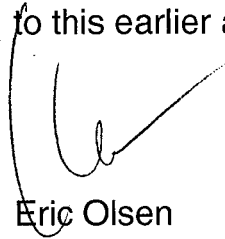
Depending on the interpretation by Staff of this condition, we can accept this as a condition of approval. Specifically, we have reviewed the lots and all homes constructed will have the capacity to be constructed such that the floor elevations are no more than 358 feet on every lot. Recently the City indicated that "if we regraded (the lots) to a max 358', then no S2 line (would be required)". It is our intention on Lots 10, 11, 12, 13 and 16 to grade to a maximum of 358' specifically at and around the home site in the event S2 water has not been extended through Fairview Addition West at the time of home construction. Such local grading is in keeping with the overall intent of the Fairview Master Plan to preserve the "natural landscape" (avoid grading where possible) and minimize tree disturbance (i.e. cutting and impacting the root zone).

Condition 3: All figure drawings included within the refinement plan that show the modified cul-de-sac transition between the southern end of Braden Woods Lane and Braden Lane as being located outside the subject within the adjacent Fairview Addition West subdivision shall be revised to instead show the modified cul-de-sac transition as being located on the subject property within the boundary of the refinement plan consistent with the corresponding transition provided at the northern end of Braden Woods Lane.

We need clarification as to how this would function in terms of timing of construction. Because the cul-de-sac would ultimately become Public ROW, it is unclear on how this would functionally occur. A continuance would allow for such clarification.

Condition 11: Construct a minimum 46-foot-wide improvement along the entire frontage of parcels 2 and 3 of Partition Plat 2015-29 to Minor Arterial standards, including tapers pursuant to PWDS. The sidewalk may meander and be located within an easement east of the property line in order to preserve existing trees along the property frontage.

This condition does not necessarily clearly identify or otherwise consider the current Improvement Agreement and Deferral Agreement made between the Owner of the property and the City of Salem on April 16, 2015. We ask for a continuance of this hearing in order to provide additional clarification as it relates to this earlier agreement.

A handwritten signature in black ink, appearing to read "Eric Olsen", is written over a large, faint, light-colored mark that resembles a large letter "U" or a similar symbol.

Eric Olsen

7/15/19

Attachment L

Bryce Bishop, Planner
City of Salem
Salem, Oregon

Mr. Bishop,

Thanks for meeting last week to discuss our concerns related to the Conditions for the Fairview Woods Refinement Plan. Below is a description of our concerns related to moving the cul-de-sac from Fairview Addition West Phase Zb into the area designed by this Refinement Plan.

The refinement plan shows a future cul-de-sac in the Fairview Addition West property south of the south end of Braden Woods Lane. The intent for this cul-de-sac is to provide a clear transition from the future public street in Fairview Woods Lane to the private street Braden Woods Lane. Recommendation A, Condition 3 requires the cul-de-sac to be moved from Fairview Addition West to the Fairview Woods project. It is requested that the future cul-de-sac be allowed to remain in the Fairview Addition West area. We believe that the addition of the cul-de-sac as shown represents substantial conformance to the approved Fairview Addition West subdivision and refinement plans. It is being added for the sole purpose of providing a definite transition from the future public street to the Fairview Woods private street. The expectation when the Fairview Addition West subdivision and refinement plans were developed was that the street through the Fairview Woods area would be a public street, and thus no transition was anticipated.

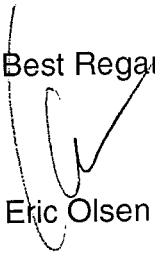
There are several reasons why having the cul-de-sac in the Fairview Addition West is preferable to having it in the Fairview Woods Area. These include:

1. The cul-de-sac is intended to be part of the future public street. If it is constructed now it becomes a small island of public street and public right-of-way completely isolated from any other public street or right-of-way.
2. The terrain is shaped such that the ground within Fairview Woods where the cul-de-sac would be slopes distinctly north into the Fairview Woods property. This means that the drainage of the public street would need to be captured and piped through the Fairview Woods site to an approved point of disposal. That drainage system would need to be publicly owned and maintained.

3. The south property line of Fairview Woods is relatively close to the intersection of Braden Woods Lane and Long Loop. This would create a potentially awkward traffic condition with traffic exiting the cul-de-sac immediately coming into the intersection.
4. The proposed pedestrian plan for Fairview Woods calls for a pedestrian crossing at the south end of Braden Woods Lane at the property line. If the cul-de-sac is moved north into the Fairview Woods property the pedestrian crossing would be at the entrance to the cul-de-sac which could be a less desirable location than the end of a private street.

If you have questions or concerns, please don't hesitate to contact me or Ray Engel with Westech Engineer.

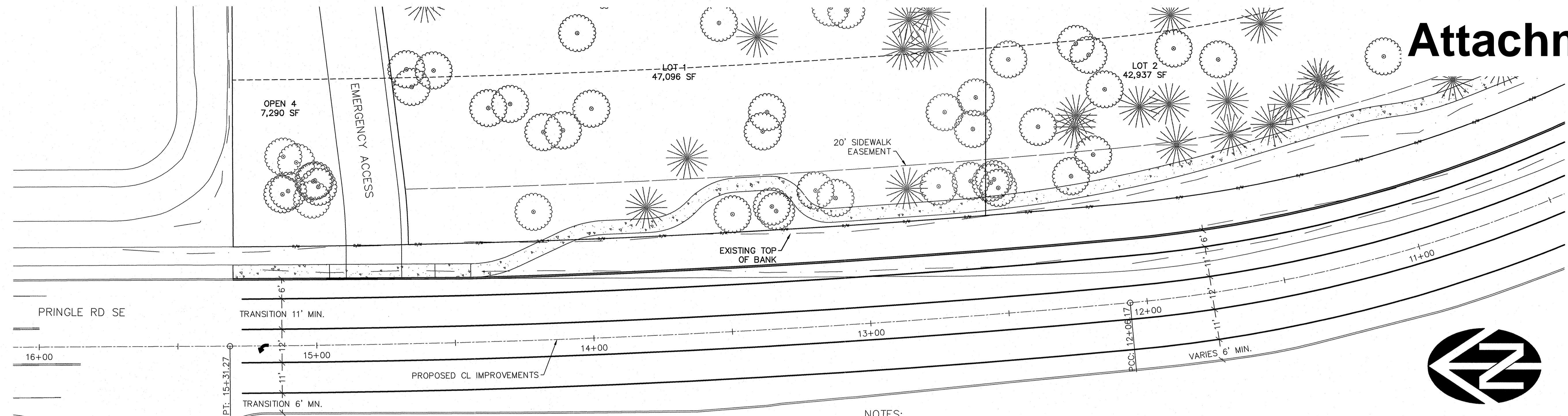
Best Regards,



Eric Olsen

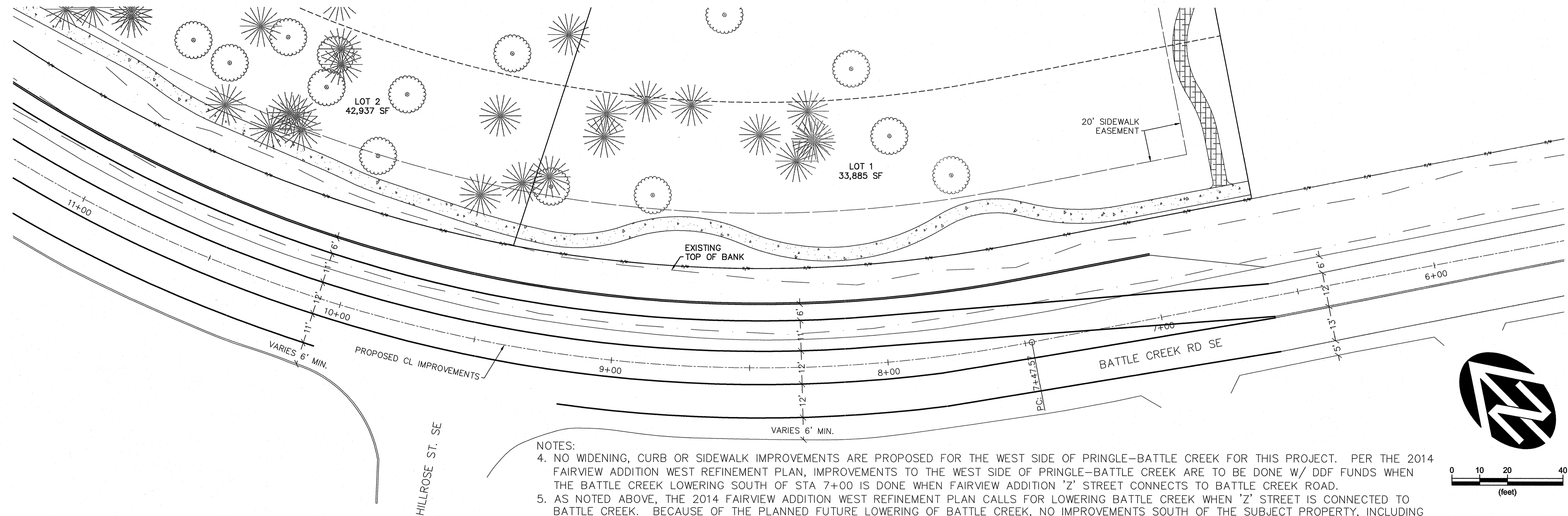
Olsen Design and Development, Inc.
PO Box 9
170 W. Main ST
Monmouth, Oregon 97361

Attachment M



NOTES:

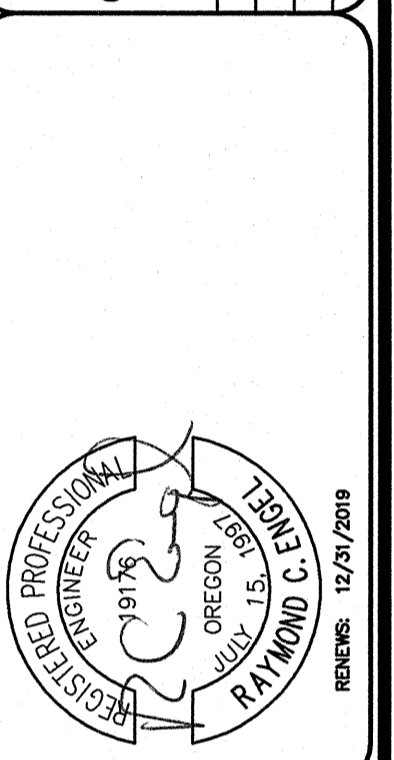
1. PRINGLE-BATTLE CREEK SIDEWALK LOCATION AT THE TOP OF BANK IS CONCEPTUAL AND APPROXIMATE, SEE REFINEMENT PLAN FOR DETAILED DISCUSSION.
2. EXISTING BANK SLOPE IS 1.5:1-2:1. THE PROPOSED CURB DOES NOT EXTEND INTO THE EXISTING BANK. THE EXISTING BANK SLOPE IS PROPOSED TO BE UNDISTURBED AND MAINTAINED AS IS.
3. THE 2014 FAIRVIEW ADDITION WEST REFINEMENT PLAN EXHIBITS FOR PRINGLE-BATTLE CREEK INCLUDE THE FOLLOWING STATEMENT, "EXISTING HORIZONTAL CURVE SUPERELEVATION EXCEEDS 7%. PROPOSED MAXIMUM FINAL SUPERELEVATION IS 5%." THIS STATEMENT IS FOR AN ANTICIPATED FUTURE PEDESTRIAN CROSSING AT HILLROSE UPON EXTENSION OF HILFIKER LANE. TO CLARIFY THE 2014 STATEMENT THE 5% CROSS SLOPE ONLY APPLIES FROM STA 9+00 TO STA 10+00 ON THIS DRAWING. THE CROSS SLOPE MAY EXCEED 5% OUTSIDE OF THE STATED AREA.



NOTES:

4. NO WIDENING, CURB OR SIDEWALK IMPROVEMENTS ARE PROPOSED FOR THE WEST SIDE OF PRINGLE-BATTLE CREEK FOR THIS PROJECT. PER THE 2014 FAIRVIEW ADDITION WEST REFINEMENT PLAN, IMPROVEMENTS TO THE WEST SIDE OF PRINGLE-BATTLE CREEK ARE TO BE DONE W/ DDF FUNDS WHEN THE BATTLE CREEK LOWERING SOUTH OF STA 7+00 IS DONE WHEN FAIRVIEW ADDITION 'Z' STREET CONNECTS TO BATTLE CREEK ROAD.
5. AS NOTED ABOVE, THE 2014 FAIRVIEW ADDITION WEST REFINEMENT PLAN CALLS FOR LOWERING BATTLE CREEK WHEN 'Z' STREET IS CONNECTED TO BATTLE CREEK. BECAUSE OF THE PLANNED FUTURE LOWERING OF BATTLE CREEK, NO IMPROVEMENTS SOUTH OF THE SUBJECT PROPERTY, INCLUDING TAPERS, ARE PROPOSED FOR THIS PROJECT. THE FUTURE LOWERING STARTS AT ±STA 7+00, WHICH IS THE BASIS FOR THE PROPOSED LOCATION FOR THE END OF CURB ON THE EAST SIDE.

NO.	DATE	DESCRIPTION	REVISIONS
1	01-18-19	Plan Update	



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

Olsen Design & Development Monmouth, Oregon

Fairview Woods Subdivision
Refinement Plan & Preliminary Plat

**Pringle-Battle Creek
Proposed Improvements**

DRAWING
0-2

JOB NUMBER
2834.0300.0

1/21/2019 2:57:25 PM R:\Dwg\Olsen\Fairview\Woods\Refinement\Plot\08 0-1 PR-BC Proposed.dwg. (Plot tab)

Supplemental Findings for Fairview Refinement Plan / Class 2 Adjustment / Subdivision Case No. FRP-ADJ-SUB19-01

- 1. General.** The application subject to this decision is a consolidated application for a new Fairview Refinement Plan for approximately 14.07 acres of the former Fairview Training Center site; together with a Class 2 Adjustment to reduce the minimum required size of the refinement plan from 40 acres to approximately 14.07 acres and a subdivision to divide the property within the refinement plan into 16 lots with common open space.

The property subject to the application is located in the 4100 to 4200 blocks of Pringle Road SE and the 4200 block of Battle Creek Road SE (Marion County Assessor Map and Tax Lot Number: 083W1100202).

On July 26, 2019, the Planning Commission's decision was issued approving the application subject to conditions of approval. That decision was subsequently appealed on August 9, 2019, and the City Council later conducted a public hearing to receive evidence and testimony regarding the appeal on September 9, 2019.

- 2. Approval Criteria.** The applicable criteria that must be satisfied in connection with the proposal are included in the following sections of the SRC:

- Fairview Refinement Plan: SRC 530.030(e);
- Class 2 Adjustment: SRC 250.005(d)(2); and
- Tentative Subdivision: SRC 205.010(d).

As identified in facts and findings included in the Planning Commission's July 26, 2019, decision (**Exhibit 1 to Order No. 2019-10 FRP-ADJ-SUB19-01**) and further provided herein, the proposal, as conditioned, conforms to the applicable approval criteria.

- 3. Appeal.**

Prior to the expiration of the August 12, 2019, appeal deadline, an appeal of the Planning Commission's decision was filed by the appellant, Jerry Mumper. The issues raised by the appellant include the following:

A. Community Open Space, Neighborhood Park, and/or Wildlife Habitat/Ecological Buffer.

The appellant's appeal indicates that the decision is inconsistent with the Fairview Plan because the provisions of the Fairview master plan expressly contemplate the subject property as being retained as community open space, neighborhood park, and/or wildlife habitat/ecological buffer.

SRC 530.030(e)(1) requires that for a refinement plan to be approved it must be consistent with the Fairview Plan. The Fairview Plan is the general master plan for the entire former Fairview Training Center site that establishes the overall goals and policies

to guide future development of the property. Refinement plans, on the other hand, are specific more detailed regulatory plans that implement the Fairview Plan through establishment of specific requirements and development standards to regulate use and development of land within an identified specific refinement plan area.

As identified in the Planning Commission decision and further provided herein, the proposed Fairview Woods refinement plan is consistent with the Fairview Plan and therefore satisfies SRC 530.030(e)(1).

The Fairview Plan is comprised of the main Fairview Training Center Redevelopment Master Plan, which identifies the overall vision, goals, and policies for development of the Fairview Training Center site, and several other exhibits and attachments that inventory existing on-site resources and illustrate the conceptual redevelopment of the site.

In addition to goals and policies identified in the Fairview Training Center Redevelopment Master Plan, the natural resources inventory of the Fairview Plan identifies the subject property as being comprised of two mature groves of trees. One of the groves occupies the western portion of the subject property and is described as an area characterized by scrub oak and native species that will be protected for its ability to serve as wildlife habitat and provide an ecological buffer. The other grove is located on the eastern portion of the subject property and is described as an area consisting of mature firs to be protected and enhanced as a neighborhood park or community protected open space.

As identified in the July 26, 2019, Planning Commission decision, the proposed refinement plan respects the landscape consistent with Goal 6 of the Fairview Training Center Redevelopment Master Plan and will protect the natural, ecological, habitat, and recreational benefits and opportunities afforded by the two existing identified tree groves located on the subject property.

The refinement plan achieves this by allowing reasonable economic use of the property while at the same time preserving it's natural character, habitat, and trees by providing large lots served by sensitively sited narrow private streets, trails, and open space areas that provide benefit to not only the residents within the proposed refinement plan but the Fairview Training Center site as a whole.

The refinement plan includes open areas and trails that will connect to the surrounding Fairview Addition West refinement plan; and the narrow private streets proposed within the development will help to minimize impacts to site topography due to grading and allow for more trees to be preserved.

The proposed refinement plan includes standards for tree preservation that exceed the requirements of the City's tree preservation ordinance (SRC Chapter 808) and standards for habitat preservation and wildlife passage that go beyond any standard included in the SRC.

Proposed increased standards for tree preservation include the establishment of identified tree protection zones where 90 percent of the trees located within the zones after the subdivision is complete must be preserved. In addition, a prescribed minimum tree preservation requirement is also established for each lot after the subdivision is completed. Under this proposed standard, lots with more than 16 trees must preserve 75 percent of all existing trees on the lot and lots with 16 or fewer trees must preserve 50 percent of the existing trees on the lot. This standard allows for homes and other improvements to be reasonably constructed on the lots while maintaining increased minimum preservation requirements.

Proposed standards for habitat preservation and wildlife passage include a maximum 4,000 square-foot size limit on the amount of enclosed yard space allowed on a lot and requirements to provide openings in fences and walls to allow wildlife passage.

The proposed development strategies embodied in the refinement plan will help to ensure that the development will work with and respect the landscape as required under the Fairview Plan and help to integrate it into the surrounding area.

The proposed refinement plan is also consistent with the various other exhibits and attachments included in the Fairview Plan. The “Illustrative Plan” shown on page 6 of the Fairview Training Center Redevelopment Master Plan, and the corresponding off-street pathway and open space plan, mobility plan, and street network plan are all conceptual in nature and not intended to prescribe exactly how property within the Fairview site would be developed because at the time the Fairview Plan was created site specific detailed engineering and other necessary studies and analysis to determine the feasibility of the conceptual illustrative layouts had not been conducted. Instead, that level of detailed planning and analysis is deferred to the refinement plan level where specific proposed land uses, street layouts, and other details concern the specific layout of proposed developments are required.

As comments provided indicate, the Pringle Creek Community refinement plan bears the closest resemblance, with some differences, to the development pattern shown on the Illustrative Plan of the Fairview Plan. Subsequent other refinement plans, however, have deviated to varying degrees from the Illustrative Plan based on the applicant’s envisioned use and more detailed engineering and site analysis performed for those specific refinement plan areas. Regardless of how much a refinement plan deviates from the conceptual layout shown on the Illustrative Plan, all refinement plans, however, must still be consistent with the goals and policies of the Fairview Plan.

In comparison of the Illustrative Plan included in the Fairview Plan with the layout of the proposed refinement plan, the Illustrative Plan identifies approximately 25 structures which are assumed to be single family dwellings, or potentially single-family dwellings with accessory dwelling units (ADUs), that would be located on the eastern third of the subject property. Instead of concentrating this development on the eastern portion of the property, the proposed refinement plan distributes it throughout the site on larger lots

together with identified areas of open space. Because of the larger proposed lot sizes, trees and existing site features can be preserved consistent with the goals and policies of the Fairview Plan.

In addition, as provided in the September 6, 2019, written testimony provided by the applicant's representative, in order for the applicant to satisfy the criteria set forth in SRC 530.030(e), the applicant must demonstrate that, on balance, the proposed refinement plan is consistent with and conforms to with the Principles set forth in the Fairview Plan. Because there is tension inherent in the principles of the plan, strict compliance with one principle may be in conflict with compliance with another principle. For example, compact residential development within the Fairview Addition and Pringle Creek Community Refinement Plans in conformance with Principle 1 at times may be in conflict with, but also provide opportunity for, wide swaths of open space in the remainder of the development including the pocket parks in Fairview Addition West and the Village Center in Pringle Creek Community.

The proposed development focuses on making reasonable economic use of the subject property through large tract residential development, which is a permitted use in the FMU zone and promotes social and economic diversity (Principle 1) by a model of housing that does not currently exist within the zone. The proposed large lots are designed to emphasize the wooded nature of the area, maintaining existing habitat for native species through the provision of wildlife passages, exceeding the City's general requirements for tree preservation, and providing trails and open space for the use of residents of the development as well as Fairview Training Center as a whole. The proposed refinement plan exceeds the standards set forth in the UDC for the preservation of trees, greatly exceeding the 25 percent required by the UDC in SRC Chapter 808.

B. Street Network Plan.

The appellant's appeal indicates that the decision is inconsistent Fairview Plan as it relates to the street network plan because the street network plan does not contemplate any streets in the area proposed for the development. The appellant explains that the lack of transportation facilities in this area is consistent with the overall guidance in the master plan that the area be protected for park uses, community open space, and wildlife habitat/ecological buffer.

As with the proposed refinement plan's consistency with the Fairview Plan in terms of provision of open space, recreational opportunities, and preservation of trees and wildlife habitat/ecological buffer, the proposal is also consistent with the Fairview Plan in terms of the provision of streets and therefore conforms to SRC 530.030(e)(1).

As identified in the Planning Commission's July 26, 2019, decision, the proposed refinement plan provides an interconnected system of streets, as called for under the Fairview Plan, to serve the development. There are two internal private streets included within the refinement plan, Braden Woods Lane and Long Loop. As shown in Section 3 (*Name, Location, and Extent of Existing or Proposed Major Streets*) of the proposed

refinement plan, both Braden Woods Lane and Long Loop are designed to connect to existing and proposed streets and alleys within the surrounding Fairview Addition West Refinement Plan and subdivision; thereby ensuring the provision of an interconnected web of streets as envisioned by the Fairview Plan.

The street network plan included with the Fairview Plan referred to by the appellant, like the other attachments of the plan depicting the layout of development within the FMU zone, provides an illustrative example of how the goals, policies, and development concepts embodied in the Fairview Plan can be achieved. However, because these layouts were done without specific detailed engineering studies and analysis to determine their feasibility, they are conceptual in nature and do not identify exactly where streets within the site will be provided. Detailed layouts and locations of streets are instead established during the review and approval of refinement plans where the applicant is required, pursuant to SRC 530.030(d)(5), to identify the location and width of proposed streets within the refinement plan area.

In the appellant's appeal it is indicated that the proposal is inconsistent with the Fairview Plan as it relates to the street network plan because the street network plan does not contemplate any streets within the area proposed for development. This, however, is incorrect because when the boundaries of the subject property are overlaid on the street network plan, two local streets and an alley serving approximately 35 structures clustered on the eastern portion of the site can be identified on the subject property.

The proposed refinement plan includes two internal streets to serve the proposed 16 residential lots and although the proposed street network doesn't exactly match the locations and alignments shown on the street network plan, the street layout proposed with the refinement plan provides an interconnected system of streets as called for under the Fairview Plan to connect to the streets and alleys of the surrounding Fairview Addition West subdivision.

C. Minimum 20 Acres of Natural Open Space.

The appellant's appeal indicates that the proposed development does not conform to the requirements of SRC 530.045(b) which requires a minimum of 20 acres of land within the FMU zone be reserved as natural open space. It is explained that the area proposed for development is the area proposed as natural open space, consistent with the master plan. The appellant indicates that the applicant has not demonstrated that 20-acres of open space will be available absent a significant amendment to the master plan.

As identified in the Planning Commission decision, SRC 530.045(b) requires a minimum of 20 acres of land within the FMU zone to be reserved as natural open space. This standard applies to the entire FMU zoned area and does not specifically identify where the natural open space must be located. As staff presented at the July 23, 2019, continued hearing, and the September 9, 2019, appeal hearing before the City Council, the amount of natural open space areas currently identified in existing approved refinement plans, together with those natural areas that will be required in conjunction with refinement

plans for the remaining areas of the Fairview site, will exceed the minimum 20 acres of natural open space area provided within the FMU zone as required by this standard.

D. Proposed Development Requires Amendment to Fairview Plan.

The appellant's appeal indicates that the applicant must first amend the Fairview Plan, pursuant to SRC 530.025, due to the significant changes to the plan included in the proposed development. It is explained that because of the significant changes proposed with the development which are inconsistent with the basic objectives of the master plan, the applicant cannot implement the proposed development until the master plan has been amended. The appellant indicates that amendments are necessary in many instances, including under SRC 530.025(b)(2), SRC 530.025(c), SRC 530.025(b)(2)(B), and SRC 530.025(b)(2)(F).

As identified in the Planning Commission's July 26, 2019 decision, the proposed refinement plan satisfies the applicable refinement plan approval criteria under SRC 530.030(e) and therefore an amendment to the Fairview Plan is not required prior to the approval of the proposed refinement plan.

In terms of residential density, the Fairview Plan does not identify specific residential density requirements. The plan instead includes general language explaining, in summary, that the site contains enough land to accommodate 2,000 residential units. The FMU zone establishes a general development standard under SRC 530.045(c) to implement this provision of the plan by limiting the number of dwelling units within the FMU zone to maximum of 2,000.

Rather than density requirements being established in the Fairview Plan, it is refinement plans that are expected to set proposed density standards and other requirements governing development of land within refinement plans. This is evidenced from the submittal requirements for refinement plans under SRC 530.030(d) which include, but are not limited to, "Detailed standards governing development within the refinement plan area, such as performance standards and **standards for development densities**, building and accessory structure height, floor area and FAR, open space, lot area and lot coverage, parking, landscaping, and other site improvements."

The 16 proposed residential lots, and the single-family dwellings and potential accessory dwelling units allowed on them under the refinement plan, will not result in the maximum 2,000 dwelling unit limit established under the FMU zone being exceeded and are therefore in conformance with the Fairview Plan.

The residential densities proposed within the refinement plan are, however, as identified in the comparison table below, lower than the residential densities identified in the FMU zone under SRC 530.050(b).

Overlay Area	FMU Zone Densities	Fairview Woods Densities
Low Intensity (LI)	5 to 8 du/acre	0.5 to 2 du/acre
Mixed Intensity (MI)	7 to 35 du/acre	1 to 3 du/acre

The residential densities included under SRC 530.050(b) were established, along with other standards for minimum lot area and dimensions, setbacks, lot coverage, height, etc., in order to provide clear and objective standards for residential development within the FMU zone. It is not the intent of the FMU zone, however, that the standards of SRC 530.050 apply to all refinement plans that include residential uses. Pursuant to SRC 530.050:

“When uses and activities falling under Household living are proposed within a Refinement Plan, such uses and activities shall be subject to either the development standards set forth in this section or the development standards established in the Refinement Plan. If development standards for uses and activities falling under Household Living are established in a Refinement Plan, approval of such standards shall be reviewed and approved as “alternative approval criteria” under ORS 197.307. Such standards shall apply in lieu of the standards set forth in this section and shall govern all development of uses and activities falling under Household Living within the Refinement Plan area.”

Because the proposed refinement plan establishes its own standards for residential development, including residential density, those standards apply in-lieu of the standards established in 530.050.

Though the residential densities within the refinement plan are lower than those identified in the FMU zone, the lower proposed densities are a result of the need to preserve natural features and characteristics of the site while at the same time allowing for some reasonable economic use of the property. Despite the larger lot sizes, the plan still promotes the efficient use of land by allowing single family dwellings along with accessory dwelling units on the proposed lots.

As identified in the Planning Commission’s decision, and further provided herein, the proposed refinement plan is consistent with, and therefore does not result in a significant change to, the Fairview Plan. The proposed refinement plan therefore does not require an amendment to the Fairview Plan.

E. Proposed Refinement Plan Not Compatible with Adjoining Land Uses.

The appellant’s appeal indicates that the proposed refinement plan is not compatible with adjoining land uses because the community open space, park, wildlife habitat, and ecological buffer contemplated in the master plan to provide for these uses to offset more dense development elsewhere is not provided. It is explained that the contemplated uses of the subject property contained within the master plan create the compatibility necessary to support areas of greater density.

SRC 530.030(e)(3) requires refinement plans to be compatible with adjoining land uses. Existing and proposed future land uses adjoining the subject property located within the FMU zone include single family dwellings and the potential for higher density residential housing types. Adjoining land uses located to the west of the subject property outside the FMU zone include single family dwellings.

As identified in the Planning Commission's July 26, 2019, decision, though the property is proposed to be developed rather than left as open space, the proposed development provides for a low-intensity residential development consisting of larger lots in order to allow for the reasonable economic development of the property while also preserving trees, habitat, and open space as called for under the Fairview Plan.

The proposed development of 16 larger lots with a residential density less than that of the surrounding Fairview Addition West subdivision and residential property located outside the FMU zone to the west, together with a prohibition on further division of the lots, increased tree preservation, and provision of common open space and trails, ensures a development pattern that is less intense than that of the surrounding area and therefore compatible with adjoining lands. The proposed refinement plan satisfies SRC 530.030(e)(3).

F. Requested Class 2 Adjustment Cannot be Approved.

The appellant's appeal indicates that the requested Class 2 Adjustment to reduce the minimum required size of the refinement plan cannot be approved because the underlying purpose of this standard to discourage a piecemeal approach to the development of the Fairview site is not met; and an adjustment to this standard is prohibited under SRC 250.005(2) because the proposed adjustment modifies the applicability of a requirement under the UDC, modifies the definition of a refinement plan, and changes the status of an activity under the UDC.

As identified in the July 26, 2019, Planning Commission decision and further provided herein, the requested Class 2 Adjustment to reduce the minimum required size of the refinement plan from 40 acres, as required under SRC 530.030(b), to approximately 14.07 acres is not prohibited under the SRC and satisfies the applicable Class 2 Adjustment approval criteria under SRC 250.005(d)(2).

SRC 250.005(d)(2)(A)(ii) provides that in order for a Class 2 Adjustment to be approved the proposal must equally or better meet the purpose of the underlying development standard proposed for adjustment.

In the case of the proposed development, the standard which is sought to be adjusted is the minimum 40-acre size requirement for refinement plans included under SRC 530.030(b). As identified in the Planning Commission decision, the purpose of this requirement is to ensure that future detailed planning for development of the Fairview

site occurs in a coordinated fashion involving land areas large enough to discourage a piecemeal approach.

The 14.07 acre property subject to the proposed refinement plan and the requested adjustment is completely surrounded by the previously approved Fairview Addition West refinement plan. Within the Fairview Mixed-Use (FMU) zone all property included as part of the former Fairview Training Center site is intended to be included within a refinement plan. Because the subject property is entirely surrounded by land which is already included in a refinement plan, the only way for it to be included within a refinement plan, as envisioned and intended under the FMU zone, is for an adjustment to minimum required refinement plan size to be approved or for the Fairview Addition West refinement plan to be amended to include the subject property.

The applicant for the proposed Fairview Woods refinement plan is the same as the Fairview Addition West refinement plan so it would have been possible for the Fairview Addition West refinement plan to be amended to include the subject property but the applicant instead chose to proceed with a separate refinement plan for the subject property along with an adjustment request to reduce the required minimum refinement plan size.

As indicated in the general introduction to the proposed refinement plan on pages 5 and 6 it is explained that the proposed Fairview Woods refinement plan, while standing alone, is considered in many ways as being integrated into the Fairview Addition West refinement plan and the larger community. As such, many of the principles overlap and Fairview Woods and Fairview Addition West ultimately complement each other. For these reasons the applicant indicates that both Fairview Woods and Fairview Addition West are collectively referred to as the Greater Woods neighborhood which honors the spirit of the FMU zone to design a cohesive development of at least 40 acres.

Because the proposed Fairview Woods refinement plan is completely surrounded by the Fairview Addition West refinement plan and because both refinement plans are being developed by the same applicant, share the same underlying development principles and concepts, and are physically integrated in term of access and open space, the smaller 14.07 acre refinement plan size requested with this adjustment equally meets the underlying purpose of the minimum refinement plan size standard by ensuring that the planning and development of the Fairview site is done in a coordinated, rather than piecemeal, approach. The Class 2 Adjustment approval criteria are therefore met.

The appellant's appeal also indicates that the proposed adjustment is otherwise prohibited under SRC 250.005(a)(2) because the adjustment modifies the applicability of a requirement under the UDC, modifies the definition of a refinement plan, and changes the status of an activity under the UDC.

As provided in the Planning Commission's decision and explained herein, the requested Class 2 Adjustment meets the applicable approval criteria of SRC Chapter 250 and is not prohibited under SRC 250.005(a)(2).

The applicability section for Class 2 Adjustments under SRC 250.005(a)(1)(B) provides that a Class 2 Adjustment is an adjustment to any development standard in the UDC other than a Class 1 Adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

In the case of the proposed development, the applicant has requested an adjustment to the minimum required area for refinement plans included under SRC 530.030(b), which establishes a minimum numerical size standard for refinements plans of 40 acres. Because this standard is a numerical standard, it is eligible for adjustment under SRC 250.005(a)(1)(B).

Contrary to the issues raised in the appellant's appeal, the proposed adjustment to the minimum required size of a refinement plan does not modify the applicability of a requirement of the UDC, it does not modify the definition of a refinement plan, and it does not change the status of an activity under the UDC.

The proposed adjustment does not modify the applicability of a requirement under the UDC because the adjustment does not seek to eliminate the requirement to have a refinement plan approved for the subject property. Instead, the proposal seeks only to reduce the minimum required size of the refinement plan in order to allow a refinement plan to be approved for the 14.07 acre property, which is currently surrounded by land included within a separate refinement plan, the Fairview Addition West refinement plan.

The proposed adjustment similarly does not modify the definition of a refinement plan. The term "refinement plan" is not specifically defined under SRC Chapter 111 (Definitions), but the FMU zone does provide an explanation of what a refinement plan is. SRC 530.030 provides that refinement plans are:

"detailed regulatory plans that implement the Fairview Plan. Standards and processes stipulated in an approved refinement plan supersede the standards and processes of the UDC and shall be used as review criteria for any specific development proposal within the area covered by the refinement plan."

The requested adjustment to the minimum required size of the refinement plan does not make the it any less of a detailed regulatory plan implementing the Fairview Plan and establishing specific standards for future development of the subject property. The proposed refinement plan includes all the elements that a refinement plan of 40 acres or larger would be required to include; the standards of the refinement plan, however, just apply to a smaller area of land. Because the requested adjustment only reduces the minimum required size of the refinement plan, and not the definition of a refinement plan or what constitutes a refinement plan, it is not prohibited under SRC 250.005(a)(2).

The proposed adjustment also does not change the status of an activity under the UDC. SRC 250.005(a)(2)(B) specifically provides that an adjustment shall not be granted to change the status of a use or activity under the UDC. In order to correctly interpret this

standard, one must first understand what is meant by the terms “status,” “use,” and “activity.”

Under SRC Chapter 400 (Use Classifications), specifically SRC 400.015(a), the principal activity, or principal activities, that occur on a property establish the use. A principal activity falls within a specific use when the principal activity possesses the characteristics of the use, and the broader use category the use falls within.

Based on the provisions of SRC 400.015, specific activities occurring, or which are proposed to be conducted, on land are classified under specific “uses” identified under the UDC. The “use” a specific activity is classified under and the “status” of that use in a particular zone (e.g. whether the use is allowed as a permitted use, conditional use, special use, or it’s a prohibited use) ultimately establish whether or not a particular activity is allowed in a specific zone.

A refinement plan, however, is not a land use or activity allowed in the FMU zone, but is instead a detailed regulatory plan implementing the Fairview Plan that in itself sets forth the allowed uses and development standards regulating future development of land within the refinement plan. Because a refinement plan is not an “activity” under the meaning of SRC 250.005(a)(2)(B), the requested adjustment does not change the status of an activity under the UDC and is therefore not prohibited under SRC 250.005(a)(2).

G. Condition of Approval No. 5 Requiring an Archeological Resource Inadvertent Discovery Plan Cannot be Deferred to a Later Date.

At the appeal hearing the appellant's attorney raised an additional issue concerning condition No. 5 of the refinement plan approval. The appellant's attorney indicated, in summary, that the archeological resource inadvertent discovery plan required under condition No. 5 cannot be deferred to a later date due to the discretionary nature of the plan; and that based on its discretionary nature, condition No. 5 must be amended to provide for a public process to review and comment on the plan when it is completed.

The inadvertent discovery plan required under condition No. 5 of the refinement plan approval does not constitute a land use decision requiring public notice and comment before approval. The inadvertent discovery plan required under the condition is instead a standardized document developed by the City's Planning Division that is intended to identify the steps/processes an applicant must follow in the event an archeological resource, or archeological resources, are discovered on a property in the course of its development. The plan implements the requirements of State Law and does not involve, or require, interpretation or the exercise of policy or legal judgement. Because the inadvertent discovery plan is not a land use decision, nor a limited land use decision, public notice and opportunity to comment on the plan are not required and Condition No. 5 of the refinement plan approval is not required to be amended.