

TO: PLANNING COMMISSION

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

SUBJECT: APPEAL OF PLANNING ADMINISTRATOR'S DECISION APPROVING PHASED SUBDIVISION TENTATIVE PLAN CASE NO. 22-04 FOR PROPERTY LOCATED AT THE 3200-3600 BLOCK OF BOONE ROAD SE - 97317

ISSUE

Should the Planning Commission affirm, modify, remand, or reverse the Planning Administrator's approval of a Phased Subdivision Tentative Plan for Case No. SUB22-04 to divide approximately 79 acres into a total of 12 lots ranging in size from 107,483 square feet to 499,672 square feet in size, in two phases of development. The applicant is requesting alternative street standards to increase the street spacing and connectivity standards in SRC Chapter 803 to allow the following proposed streets to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803:

- a) Northerly block between 32nd Avenue and 36th Avenue – Increase to approximately 1,785 feet with mid-block pedestrian connection and public access easement.
- b) Easterly block between Boone Road and proposed 32nd Avenue – Increase to approximately 712 feet.
- c) Easterly block between proposed 32nd Avenue and southerly boundary of property – Increase to approximately 705 feet.
- d) Southerly portion of property between A Drive and 36th Avenue – Increase to approximately 1,875 feet.

For property approximately 79 acres in size, zoned IC (Industrial Commercial), and located at the 3600 Block of Boone Road SE - 97317 (Marion County Assessor's Map and Tax Lot numbers: 083W13A / 00100, 00200, and 00300).

RECOMMENDATION

MODIFY the Planning Administrator's decision approving Phased Subdivision Tentative Plan Case No. SUB22-04 and delete Condition 19.

~~Conditions to be complete prior to final plat approval for Phase 2, or as a condition of Site Plan Review approval for Lot 9, whichever comes first:~~

~~Condition 19:~~ ~~Construct a local street within a 60-foot wide right-of-way to provide an additional north-south local street connection from 32nd Avenue to the southern property boundary within lot 11 or 12.~~

SUMMARY OF RECORD

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 22-102354-LD.

BACKGROUND

The subject property is located at the 3200-3600 Block of Boone Road SE, a vicinity map showing the subject property is included as **Attachment A**. The proposed phased subdivision tentative plan is included as **Attachment B**.

On June 14, 2022, the Planning Administrator issued a decision approving the phased subdivision tentative plan. An appeal of the decision was filed by the applicant on June 28, 2022. The City Council did not elect to review the Planning Administrator's decision; therefore, the review authority will be the Planning Commission.

FACTS AND FINDINGS

Procedural Findings

1. On January 25, 2022, an application for a Phased Subdivision Tentative Plan was submitted to divide an approximately 79-acre property at the 3200-3600 Block of Boone Road SE into 12 lots (**Attachment B**). After the applicant submitted additional information, the application was deemed complete for processing on March 24, 2022. On April 1, 2022, notice to surrounding property owners was mailed pursuant to Salem Revised Code, and signs were posted pursuant to Salem Revised Code.
2. On June 14, 2022, the Planning Administrator issued a decision approving the Phased Subdivision Tentative Plan. (**Attachment C**).
3. On June 28, 2022, the applicant filed a timely appeal of the decision (**Attachment D**).
4. On July 8, 2022, notice of appeal hearing was sent to the applicant (appellant), property owners, the neighborhood association, individuals who submitted testimony for the record, and all others entitled to notice pursuant to Salem Revised Code (SRC) requirements. The subject property is not part of an Home Owners Association (HOA).
5. Notice of the appeal hearing was posted on the subject property on July 19, 2022. The appeal public hearing before the Planning Commission is scheduled for August 2, 2022. The state-mandated deadline for a final local decision is September 4, 2022. Appeal procedures are specified in SRC 300.1040.

6. The Planning Commission may affirm, modify, or reverse the decision or may remand the matter to the Planning Administrator for further action.

Appeal

Prior to the expiration of the June 29, 2022 appeal deadline, the applicant filed a timely and jurisdictional appeal of the Planning Administrator's decision (**Attachment D**). The applicant is appealing the Planning Administrator's denial of the Class 2 Adjustment [Alternative Street Standard] request to eliminate a requirement for a 60-foot right-of-way to provide an additional north-south local street connection. The applicant is requesting the elimination of Condition 19.

Conditions to be complete prior to final plat approval for Phase 2, or as a condition of Site Plan Review approval for Lot 9, whichever comes first:

Condition 19: Construct a local street within a 60-foot-wide right-of-way to provide an additional north-south local street connection from 32nd Avenue to the southern property boundary within lot 11 or 12.

A summary and staff response to the issues raised in the appeal is provided below:

1. *"The Planning Administrator's Decision regarding the need for Condition No. 19 is based on misinterpretations of the applicable criteria, is not based on substantial evidence, and is not supported by adequate findings."*

Staff Response: The applicant requested relief from the street connectivity standard citing concerns with wetlands in the vicinity and noting that the 600-foot block length standard is more practical in areas for residential or commercial zones and is not applicable in case due to the types of heavy impact uses anticipated and allowed in the IC (Industrial Commercial) zone. The applicant's statement is included below:

Second, we will look at the additionally proposed north-south connections within proposed lots 6, 7, 8, 10, 11 & 12. Site and circulation design within the IC (Industrial Commercial) zoning designation is most typically designed using larger lots, which requires longer block lengths. A 600' block length standard is not a practical application for conditional and standard approved uses within the IC zoning designation. This can be seen within existing industrial developments throughout Salem as listed below: Salem Industrial Park – Salem Industrial Drive – Marietta Street to Madrona Ave Mill Creek Industrial Park – Turner Rd, Aumsville Hwy & Kuebler Blvd. McGilchrist IC Zone – McGilchrist St. to Fairview St. 13th St SE to Rural St A 600' block length in practical and encouraged when it is located in a residential or even commercial zones. This is due to the high level of pedestrian and bike activity in these areas. Shorter blocks encourage these forms of transportation, instead of requiring vehicular traffic. However, due to the types of uses that the IC (Industrial Commercial) zoning designation accommodates, additional care and consideration must be applied to provide for the protection of pedestrian and bicycle uses from trucking, shipping and other industrial activities.

Therefore, bicycle and pedestrian connectivity is concentrated along the public sidewalks and roadways. This will provide for safe and convenient access and connectivity without the need to enter or interact with industrial/commercial sites.

Regarding the applicant's first argument that the 600-foot standard shouldn't apply to this property, local streets are required to be oriented or connected to existing or planned streets and shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. This applies equally to residential, commercial, and industrial zones, and is further applicable in this case given the mix of residential, commercial, and industrial uses already approved to be developed on this site. Local streets provide alternative routes and options for vehicles, bicycles, and pedestrians which enhance circulation in the area. Arterial congestion can occur in areas that lack connectivity. Additional connectivity helps to disperse traffic, reducing overall congestion and encouraging a mix a travel modes, thereby increasing the efficiency of travel.

The applicant's statement continues as follows:

Unlike lots 1-5, the topography of Lots 6-12 within this subdivision is generally flat with little topographical features to inhibit the industrial and commercial uses typical to the IC (Industrial Commercial) zoning designation. The major challenge in this area is the jurisdictional waterways and wetlands. Currently the applicant is working with US Army Corps of Engineers and Oregon Department of State Lands to mitigate wetlands associated with the development of Lots 6, 7 and 8 (Currently under pending Site Plan Review 21-121614-RP), as well as to allow for the extension of 32nd Ave. Wetlands mitigation permits: US Army Corps of Engineers NWP 202-443 & ODSL No. 63108 RF. There are currently no applications to impact the wetlands or waterways located on Lots 10, 11 and 12, other than to allow for the extension of 32nd as previously discussed. Lot 6, (3.42 acres), is proposed to develop as Self Storage with a single driveway access onto 36th Avenue that will align with Kashmir Drive SE, with internal driveway circulation and parking to accommodate this use. Lot 6 will also be able to take emergency access through Lot 7. Making any additional connection to the south would not be possible because of the jurisdictional waterway that is along the southern property line. Currently Pending design review (21-121614-RP).

Lot 12, (7.75 acres), there are no specific design or development plans currently proposed for this lot. Again, substantial jurisdictional wetlands impact lot 12 and the jurisdictional waterway that bisects lots 11 and 12. The existing jurisdictional wetlands and the jurisdictional waterway limits access to lot 12 to narrow access on 32nd Avenue SE at the easterly corner of this lot. Again, any southerly roadway connections from 32nd Avenue SE would have to cross wetlands and require a permit. No mitigation for wetlands on this lot have been proposed at this time other than for the improvement of the 32nd Avenue SE right of way.

Regarding the potential impact to mapped wetlands in the vicinity, the mapped wetland areas appear to be less restrictive in this area of the site according to the Oregon Department of State Lands (DSL) Wetland Delineation Concurrence Letter issued December 30, 2020 (WD # 2020-0467). Further, a driveway will need to be constructed from 32nd Avenue SE to serve future development of Lot 12 which is a similar impact as development of a street. If it is practical for a driveway to be constructed with no impact to wetlands to serve development on Lot 12, then it may also be practical to develop a street in the area. However, if at the time of future development the applicant can demonstrate that construction of a public street would impact a mapped wetland, and a permit cannot be obtained by DSL for that impact, then an additional street connection would not be warranted.

2. *"The Planning Administrator's Decision violates ORS 197.195."*

Staff Response: The applicant claims that the Planning Administrator's decision regarding the need for Condition 19 is based on SRC 205.010(d)(4), which requires evidence that the street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Under ORS 197.195(1) local governments must incorporate all comprehensive plan standards applicable to limited land use decisions (including tentative plat approvals) into their land use regulations via post-acknowledgement amendments before September 29, 1993.

Street connectivity and block length standards in question have been codified in SRC Chapter 803 and have been identified as development standards applicable to the proposed phased subdivision tentative plan. Specifically, SRC 803.035(a) which requires in part that local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Further, SRC 205.010(d)(1)(B) provides that a tentative subdivision plan shall be approved if the tentative subdivision plan complies with all applicable provisions of the UDC, including, but not limited to City infrastructure standards. This includes street connectivity and block length development standards codified in SRC Chapter 803.

3. *"The Planning Administrator's Decision violates ORS 197.307."*

Staff Response: In the appeal letter dated June 28, 2022, the applicant indicates that the requested phased subdivision tentative plan application is an application for needed housing and that ORS 197.307 is applicable for this request.

The subject property is zoned IC (Industrial Commercial), a zone which allows for multi-family development with a Conditional Use Permit. Two Conditional Use Permits have been granted for development of multi-family housing on the subject property, CU-SPR-ADJ-DAP-DR21-02 (Phase 1 McKenzie Heights Apartments, 210 dwelling unit apartment complex) and CU-SPR-ADJ-TRV-DR22-02 (Phase 2 McKenzie Heights Apartments, 272 dwelling units). Future uses for Lots 9-12 are unknown at this time, but it is possible that additional applications for housing could be requested for development of the subject property.

Assuming that the requested phased subdivision tentative plan is subject to needed housing requirements, then ORS 197.307 requires the application of only clear and objective development standards of the Salem Revised Code during the review process. Regarding street connectivity, the clear and objective standard found in SRC Chapter 803.035(a) requires that:

Connectivity. Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:

- (1) Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.
- (2) Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or
- (3) The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.

Relief may be granted from street connectivity standards as provided in subsections (1-3); however, any attempt by staff applying, analyzing, or granting relief based on these conditions would involve the use of discretion which would not be allowed under ORS 197.307. Strict application of ORS 197.307 would also mean that the other requests made by the applicant for relief from street connectivity standards that were granted in this case at the discretion of the Planning Administrator should not be applied to the proposal.

4. *“The Planning Administrator’s Decision violates the Takings Clause of the Fifth Amendment of the United States Constitution and Article I, Section 18 of the Oregon Constitution.”*

Staff Response: Staff concurs with the applicant that the City has the burden to adopt findings that demonstrate the proposed condition is proportional to the applicant’s impact on the surrounding transportation system. The actual impact to the transportation system related to proposed Lot 9 (Phase 1) or Lot 12 (Phase 2) is unknown at this time. However, at the time of future development once the use of the property has been determined a street connection may be warranted.

Staff recommends that the Planning Commission remove Condition 19 as a requirement of the Subdivision and instead find that street connectivity needs will be determined at the time of future development upon a finding by the City that:

- a) There is a legitimate governmental interest in requiring this exaction;
- b) This exaction advances that legitimate government interest; and
- c) This exaction is proportional to the impact of the proposed development.

Further, If the applicant can demonstrate that construction of a public street would impact a mapped wetland, and a permit cannot be obtained by DSL for that impact, then an additional street connection would not be warranted with future development.

Substantive Findings

As provided in the June 14, 2022 Planning Administrator decision approving the Phased Subdivision Tentative Plan, and with the staff findings and recommended modifications included in this staff report, the proposal satisfies the applicable approval criteria of SRC 205.015(d).

Conclusion

Based on the facts and findings presented above and included with the June 14, 2022 decision, staff recommends that the Planning Commission **MODIFY** the Planning Administrator's decision approving Phased Subdivision Tentative Plan Case No. SUB22-04, specifically to delete Condition 19.

Conditions to be complete prior to final plat approval for Phase 2, or as a condition of Site Plan Review approval for Lot 9, whichever comes first:

~~**Condition 19:** Construct a local street within a 60-foot-wide right-of-way to provide an additional north-south local street connection from 32nd Avenue to the southern property boundary within lot 11 or 12.~~

ALTERNATIVES

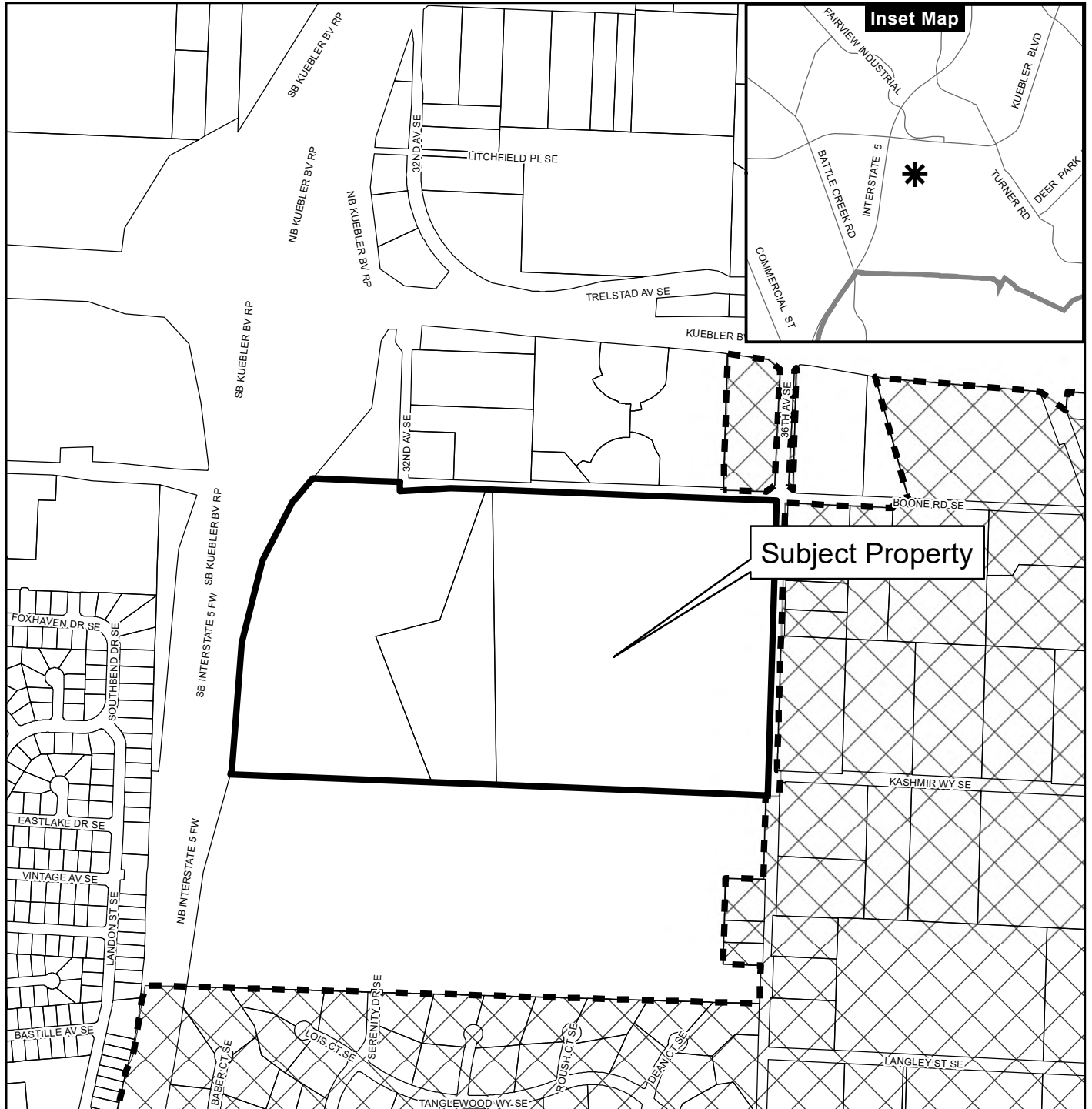
The Planning Commission may take one of the following actions:

- I. **AFFIRM** the June 14, 2022 decision approving SUB22-04.
- II. **REMAND** the June 14, 2022 decision approving SUB22-04 to the Planning Administrator for further action.
- III. **MODIFY** the June 14, 2022 decision; or
- IV. **REVERSE** the June 14, 2022 approval, and deny SUB22-04.








Attachments: A. Vicinity Map
 B. Phased Subdivision Tentative Plan
 C. Planning Administrator's Decision on Case No. SUB22-04, dated June 14, 2022
 D. Notice of Appeal filed by Applicant dated June 28, 2022

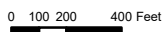
Prepared by: Aaron Panko, Planner III

Vicinity Map 3200-3600 Block of Boone 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.

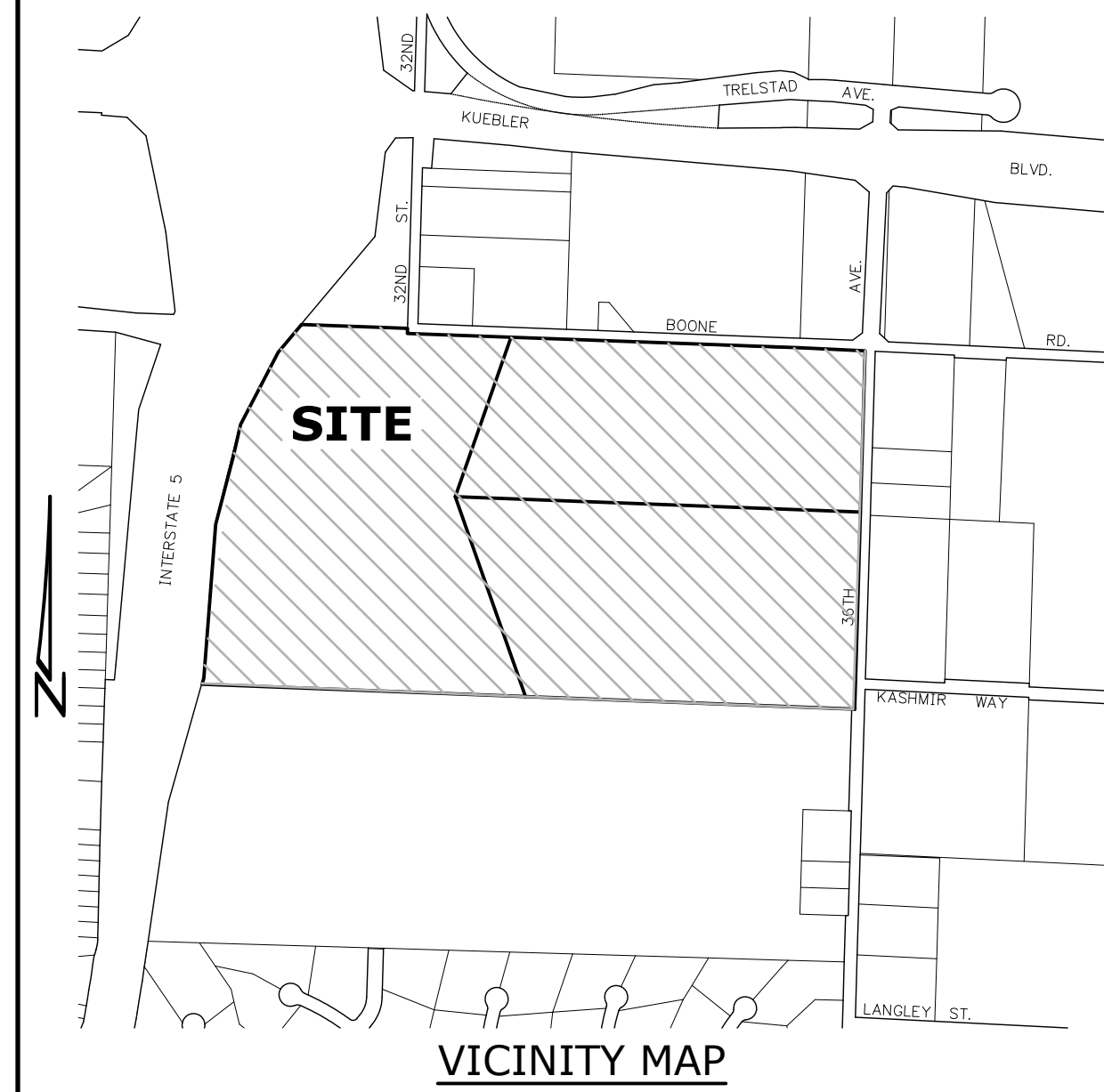
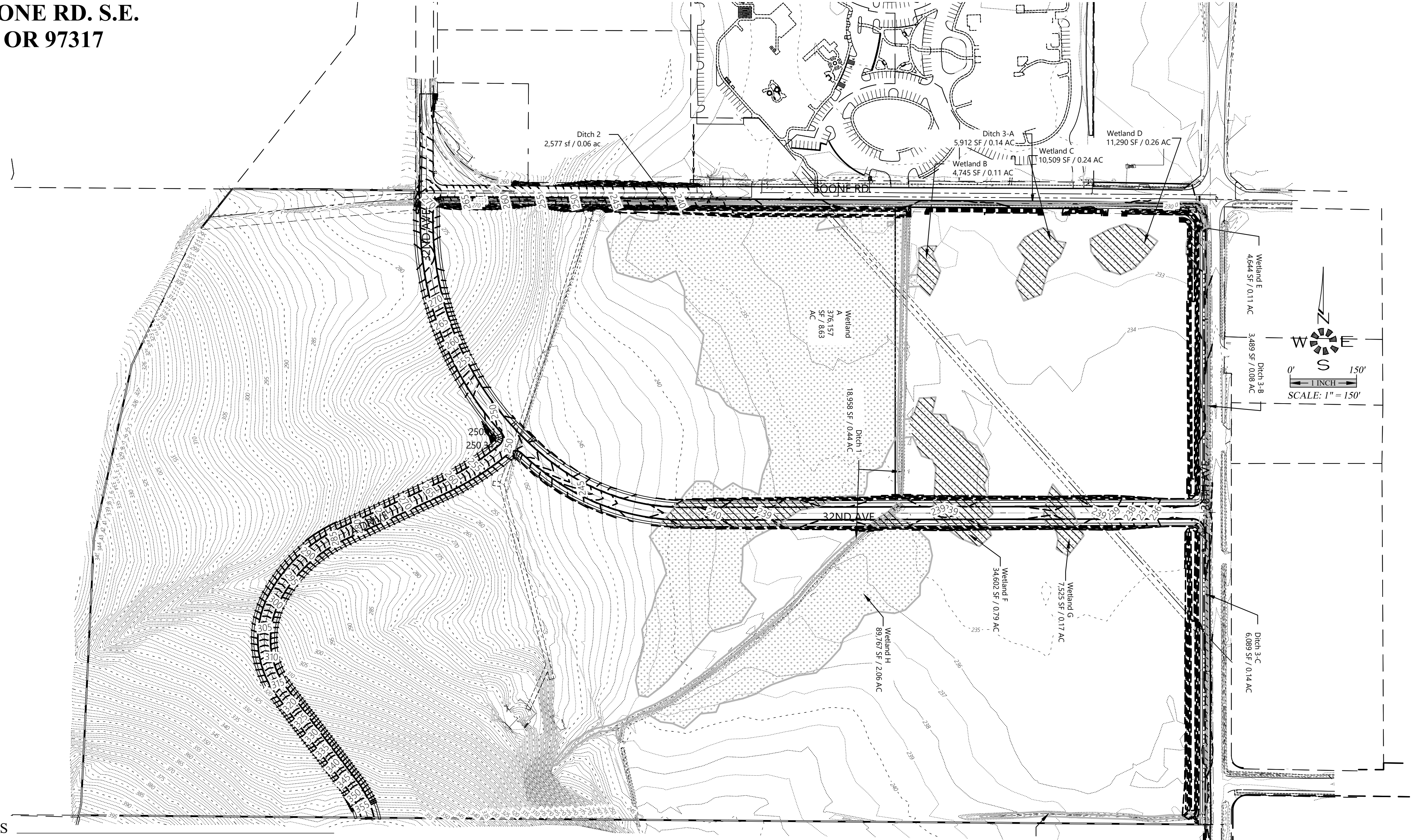
Owner / Developer:

MWSH BOONE ROAD PROPERTY, LLC

3425 BOONE RD. S.E.
SALEM, OR 97317

BOONE ROAD INDUSTRIAL SUBDIVISION

SEC. 13, T. 8 S., R. 3 W., W.M.
CITY OF SALEM
MARION COUNTY, OREGON



SHEET INDEX

- 100 - COVER SHEET
- 101 - EXISTING CONDITIONS
- 102 - OVERALL SITE PLAN
- 103 - PHASE 1 LOTS
- 104 - PHASE 2 LOTS
- 105 - TREE PLAN OVERALL
- 106 - TREE PLAN
- 107 - TREE PLAN
- 108 - TREE PLAN
- 109 - TREE PLAN
- 110 - TREE PLAN
- 201 - SANITARY SEWER TRUNK LINE - 36TH AVE
- 202 - SANITARY SEWER TRUNK LINE - 36TH AVE
- 203 - SANITARY SEWER TRUNK LINE - 36TH AVE
- 204 - SANITARY SEWER IMPROVEMENTS - 32ND AVE.
- 205 - SANITARY SEWER IMPROVEMENTS - 32ND AVE.
- 206 - SANITARY SEWER IMPROVEMENTS - A DRIVE
- 207 - SANITARY SEWER IMPROVEMENTS - A DRIVE
- 208 - SANITARY SEWER IMPROVEMENTS - A DRIVE
- 301 - STORM DRAIN IMPROVEMENTS - BOX CULVERTS
- 302 - STORM DRAIN IMPROVEMENTS - NORTH DITCH
- 303 - STORM DRAIN IMPROVEMENTS - NORTH DITCH
- 304 - STORM DRAIN IMPROVEMENTS - EAST DITCH
- 305 - STORM DRAIN IMPROVEMENTS - EAST DITCH
- 306 - STORM DRAIN IMPROVEMENTS - EAST DITCH
- 307 - STORM DRAIN IMPROVEMENTS - 32ND AVE.
- 308 - STORM DRAIN IMPROVEMENTS - 32ND AVE.
- 310 - STORM DRAIN IMPROVEMENTS - 32ND AVE.
- 313 - STORM DRAIN IMPROVEMENTS - A DRIVE
- 314 - STORM DRAIN IMPROVEMENTS - A DRIVE
- 315 - STORM DRAIN IMPROVEMENTS - A DRIVE
- 316 - STORM DRAIN DETAILS
- 317 - PLANTER BOX DETAILS
- 401 - STREET IMPROVEMENTS - 32ND AVE.
- 402 - STREET IMPROVEMENTS - 32ND AVE.
- 403 - TYPICAL STREET SECTIONS - 32ND AVE.
- 404 - STREET IMPROVEMENTS - A DRIVE
- 405 - STREET IMPROVEMENTS - BOONE RD.
- 406 - STREET IMPROVEMENTS - BOONE RD.
- 407 - STREET IMPROVEMENTS - BOONE RD.
- 408 - STREET IMPROVEMENTS - BOONE RD.
- 409 - TYPICAL STREET SECTIONS - BOONE RD.
- 410 - STREET IMPROVEMENTS - BOONE RD. SECTIONS
- 411 - STREET IMPROVEMENTS - BOONE RD. SECTIONS
- 412 - STREET IMPROVEMENTS - BOONE RD. SECTIONS
- 413 - STREET IMPROVEMENTS - BOONE RD. SECTIONS
- 414 - STREET IMPROVEMENTS - BOONE RD. SECTIONS
- 415 - STREET IMPROVEMENTS - 36TH AVE.
- 416 - STREET IMPROVEMENTS - 36TH AVE.
- 417 - STREET IMPROVEMENTS - 36TH AVE.
- 418 - STREET IMPROVEMENTS - 36TH AVE. SECTIONS
- 419 - STREET IMPROVEMENTS 36TH AVE. SECTIONS
- 420 - STREET IMPROVEMENTS - 36TH AVE. SECTIONS
- 421 - STREET IMPROVEMENTS - 36TH AVE. SECTIONS
- 501 - DOMESTIC WATER IMPROVEMENTS A DRIVE
- 502 - DOMESTIC WATER IMPROVEMENTS 32ND AVE
- 503 - DOMESTIC WATER IMPROVEMENTS 36TH AVE
- 504 - DOMESTIC WATER IMPROVEMENTS 36TH AVE

ABBREVIATIONS

A.C.	ASPHALTIC CONCRETE	L.P.	LIGHT POLE
ACMP	ALUMINIZED CMP	M	METER, MAIN
ASSY.	ASSEMBLY	M.H.	MANHOLE
B.O.	BLOW OFF	MTL.	METAL
B.F.V.	BUTTERFLY VALVE	O.H.	OVERHEAD
C & G	CURB & GUTTER	PC	POINT OF CURVE
CATV	CABLE TELEVISION	PCC	POINT OF CONTINUING CURVE
C.B.	CATCH BASIN	PED.	PEDESTAL
C.B.C.O.	CATCH BASIN CLEANOUT	PRC	POINT OF REVERSE CURVE
C.B.I.	CATCH BASIN INLET	PROP.	PROPOSED
C.L.	CENTERLINE	PT	POINT OF TANGENCY
CMP	CORRUGATED METAL PIPE	PUB.	PUBLIC
C.O.	CLEANOUT	PUE	PUBLIC UTILITY EASMT.
CONC.	CONCRETE	PVC	POLYVINYL CHLORIDE
CONST.	CONSTRUCT	PVT.	PRIVATE
D.I.	DUCTILE IRON	P.P.	POWER POLE
DIA.	DIAMETER	P.L.	PROPERTY LINE
DWG.	DRAWING	R	RADIUS
EASMT.	EASEMENT	R	RIM
E.G.	EXIST. GRADE / GROUND	RD	ROAD
EOP, E.P.	EDGE OF PAVEMENT	R.O.W.	RIGHT-OF-WAY
ELEC.	ELECTRIC	SAN.S. or S.S.	SANITARY SEWER
ELEV. or EL.	ELEVATION	S	SLOPE
EX. or EXIST.	EXISTING	STA.	STATION
FT.	FEET	STD.	STANDARD
F.F.	FINISH FLOOR	STL.	STEEL
F.G.	FINISH GRADE	STM.DRN. or S.D.	STORM DRAIN
F.H.	FIRE HYDRANT	SVC.	SERVICE
F.M.	FORCE MAIN	SW	SIDEWALK
GUT. or GTR.	GUTTER	T.C.	TOP OF CURB
G.V.	GATE VALVE	TEL.	TELEPHONE
IMP.	IMPROVEMENT	TYP.	TYPICAL
INST.	INSERT	U.G.	UNDERGROUND
INV. or I-	INVERT	VL.	VAULT
L	LENGTH, LINE	W.M.	WATER MAIN

SYMBOLS

	BLOW OFF ASSY.		MANHOLE SAN. SEWER
	CATCH BASIN		MANHOLE STORM DRAIN
	CATCH BASIN CLEANOUT		2' DIA. C.O. / M.H.
	CATCH BASIN INLET		MANHOLE TELEPHONE
	CATV PED. / BOX		MANHOLE WATER
	CLEANOUT		REDUCER / INCREASER
	ELEC. PED. / BOX		TEL. PED. / BOX
	FIRE HYDRANT		TRAFFIC PED. / BOX
	GAS LOCATION MARKER		UTILITY / POWER POLE
	GAS VALVE		WATER METER
	MAIL BOX		WATER VALVE
	CABLE TELEVISION		SANITARY SEWER EXIST.
	CENTERLINE		SANITARY SEWER PROP.
	DITCH C.L.		STORM DRAIN EXIST.
	ELECTRICAL LINE		STORM DRAIN PROP.
	GAS MAIN		WATER MAIN EXIST.
	TELEPHONE LINE		WATER MAIN PROP.

MULTI/TECH
ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OR. 97302
PH. (503) 363 - 9227 FAX (503) 364-1260
www.mtengineering.net office@mtengineering.net

COVER SHEET

BOONE ROAD INDUSTRIAL SUBDIVISION

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: M.D.G.
Drawn: C.D.S.
Checked: M.D.G.
Date: AS SHOWN
Scale: AS SHOWN
As-Built: _____

REGISTERED PROFESSIONAL ENGINEER
OREGON
JUL 18 1978
MARK D. GRANT

EXPIRES: 06-30-2023
JOB # 6754

100

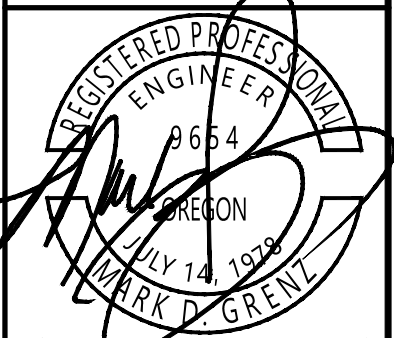


EXISTING CONDITIONS

BOONE ROAD INDUSTRIAL SUBDIVISION

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

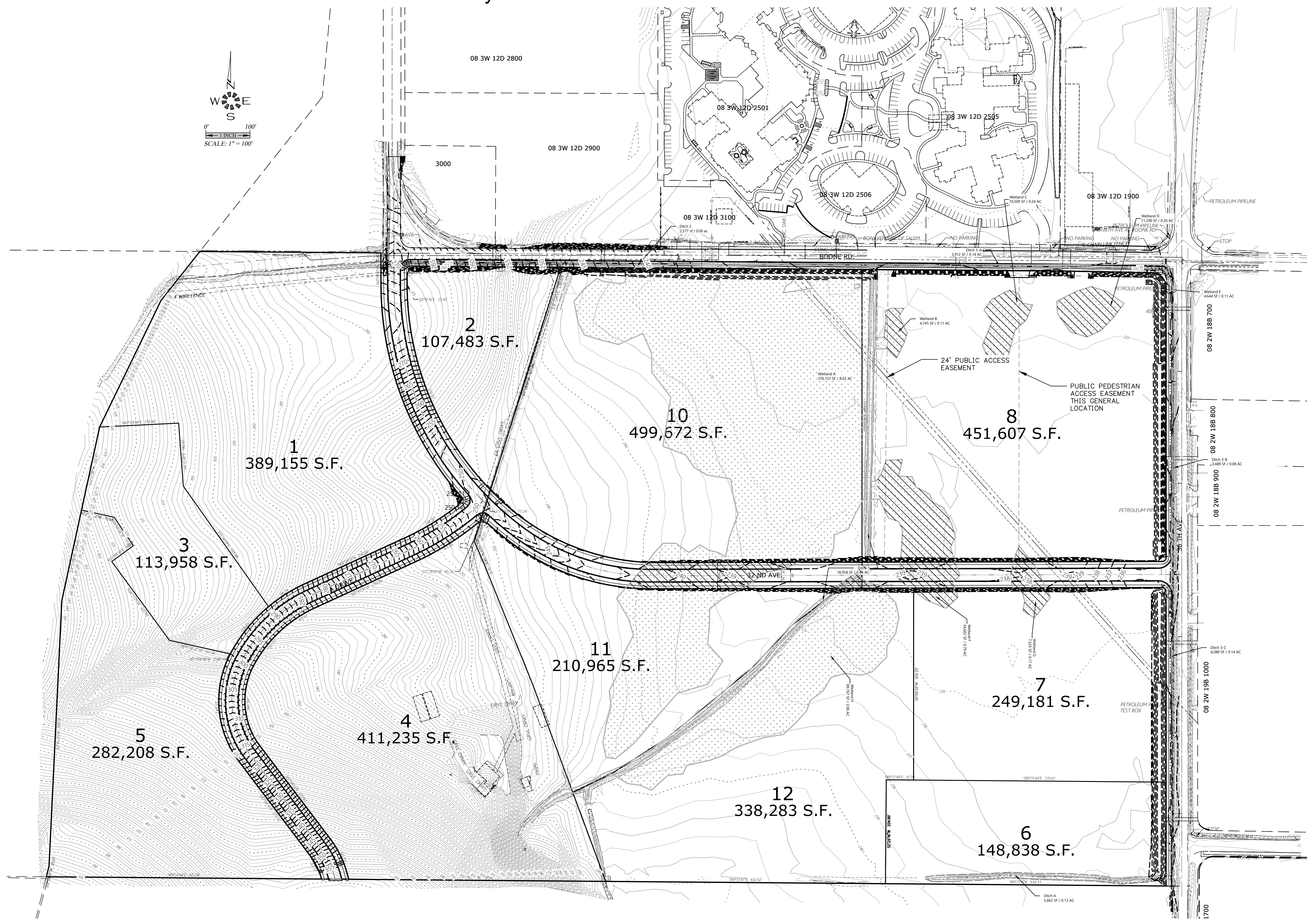
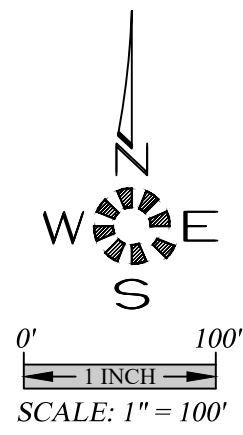
6754-100V 01-A-0000
 Design: M.D.G.
 Drawn: C.D.S.
 Checked: M.D.G.
 Date: _____
 Scale: AS SHOWN
 As-Built: _____



EXPIRES: 06-30-2023
 JOB # 6754

I:\700-6799\6754-crowpoint\housidam\Draw-20\Production Drawings\6754-100V.dwg, 10/1/2022, 2:28:35 PM, C.d.s.

BRIP Subdivision - Exhibit 60a Revised Preliminary Subdivision Plat



OVERALL SITE PLAN

BOONE ROAD INDUSTRIAL SUBDIVISION

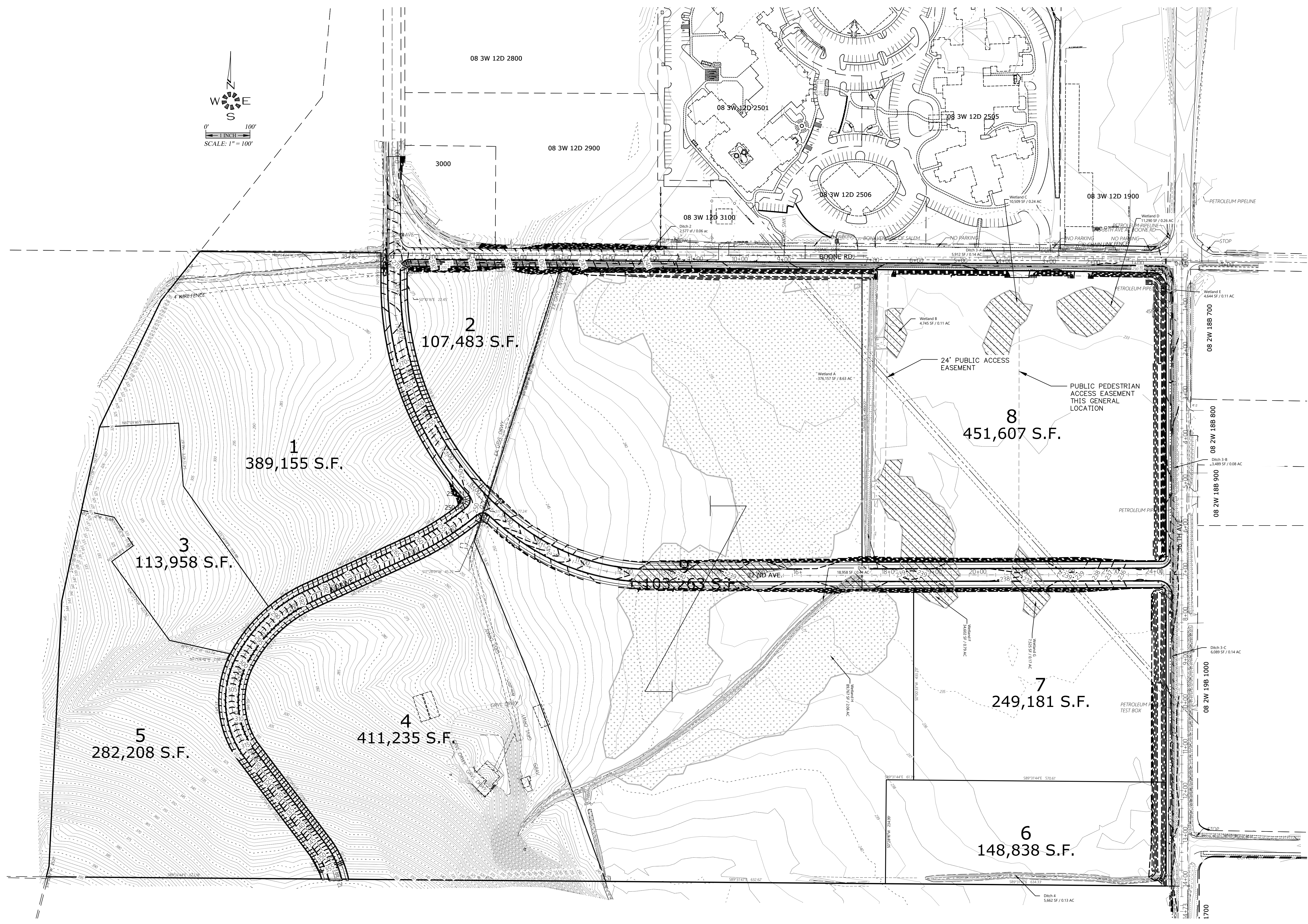
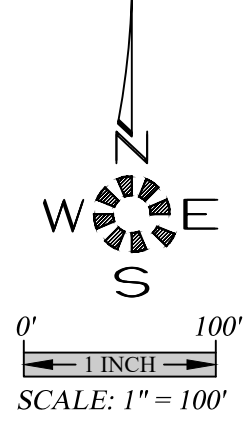
NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

6754-100V 103-0168ALL
 Design: M.D.G.
 Drawn: C.D.S.
 Checked: M.D.G.
 Date: _____
 Scale: AS SHOWN
 As-Built: _____



EXPIRES: 06-30-2023
 JOB # 6754

P:\1700-6754-01\Drawings\6754-100V.dwg, 102-Overall, 3/4/2022 8:53:21 AM, C001



PHASE 1 LOTS

**BOONE ROAD INDUSTRIAL
 SUBDIVISION**

NO CHANGES, MODIFICATIONS
 OR REPRODUCTIONS TO BE
 MADE TO THESE DRAWINGS
 WITHOUT WRITTEN
 AUTHORIZATION FROM THE
 DESIGN ENGINEER.
 DIMENSIONS & NOTES TAKE
 PRECEDENCE OVER TAKE
 GRAPHICAL REPRESENTATION.

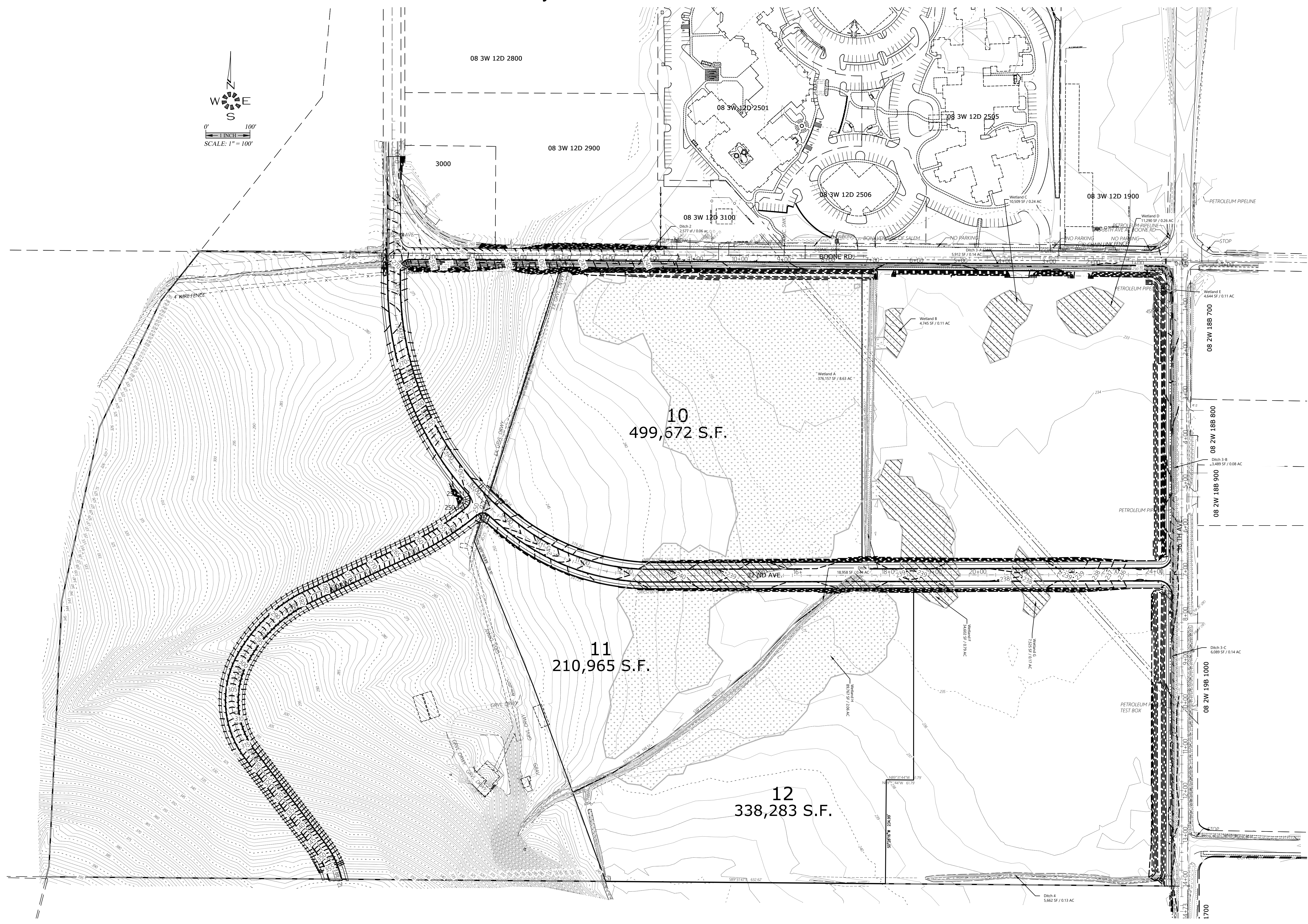
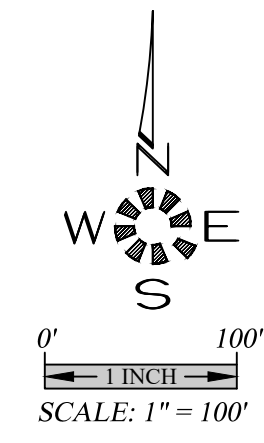
6754-1000 103-PHASE 1
 Design: M.D.G.
 Drawn: C.D.S.
 Checked: M.D.G.
 Date: _____
 Scale: AS SHOWN
 As-Built: _____



EXPIRES: 06-30-2023
 JOB # 6754

J:\1700-6754-6754-crowpoint\hudson\Draw_v20\Production Drawings\6754-103-PHASE 1 - 3/17/2022 8:53:32 AM .DWG

BRIP Subdivision Phase II Exhibit 60c Revised Preliminary Subdivision Plat



PHASE 2 LOTS

BOONE ROAD INDUSTRIAL SUBDIVISION

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design:	M.D.G.
Drawn:	C.D.S.
Checked:	M.D.G.
Date:	---
Scale:	AS SHOWN
As-Built:	---



EXPIRES: 06-30-2023
JOB # 6754

I:\700-6754-6754-crowpoint\hudson\Draw_v20\Production Drawings\6754-100\dwg_10-Phase 2_3/17/2022 8:53:39 AM.dwg

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

DECISION OF THE PLANNING ADMINISTRATOR

PHASED TENTATIVE SUBDIVISION CASE NO.: SUB22-04

APPLICATION NO.: 22-102354-LD

NOTICE OF DECISION DATE: June 14, 2022

SUMMARY: A proposal for a subdivision to divide approximately 79 acres into 12 lots.

REQUEST: An industrial phased subdivision tentative plan to divide approximately 79 acres into a total of 12 lots ranging in size from 107,483 square feet to 499,672 square feet in size, in two phases of development. The applicant is requesting alternative street standards to increase the street spacing and connectivity standards in SRC Chapter 803 to allow the following proposed streets to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803:

- a) Northerly block between 32nd Avenue and 36th Avenue Increase to approximately 1,785 feet with mid-block pedestrian connection and public access easement.
- b) Easterly block between Boone Road and proposed 32nd Avenue Increase to approximately 712 feet.
- c) Easterly block between proposed 32nd Avenue and southerly boundary of property Increase to approximately 705 feet.
- d) Southerly portion of property between A Drive and 36th Avenue Increase to approximately 1,875 feet.

The subject property is approximately 79 acres in size, zoned IC (Industrial Commercial), and located at the 3600 Block of Boone Road SE - 97317 (Marion County Assessors Map and Tax Lot numbers: 083W13A / 00100, 00200, and 00300).

APPLICANT: Brandie Dalton on behalf of MWSH Boone Road Property LLC(Kelley D. Hamilton)

LOCATION: 3600 Block of Boone Rd SE, Salem OR 97317

CRITERIA: Salem Revised Code (SRC) Chapters 205.015(d) – Phased Subdivision

FINDINGS: The findings are in the attached Decision dated June 14, 2022.

DECISION: The **Planning Administrator APPROVED** Phased Tentative Subdivision Case No. SUB22-04 subject to the following conditions of approval:

Conditions applicable to all phases:

Condition 1: Prior to final plat approval the applicant shall demonstrate that the proposed boundaries for each lot are placed in a location that ensures that minimum setback requirements are met for each lot that has previously received site plan review approval. Required setbacks may be adjusted if needed.

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

Condition 2: If common facilities will be privately owned, the applicant shall provide recorded covenants, conditions, and restrictions for the development prior to final plat approval that shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association consistent with the requirements of SRC 205.035(f).

Conditions to be complete prior to final plat approval for Phase 1, or shown on the final plat:

Condition 2: Provide an engineered stormwater design pursuant to Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS) to accommodate future impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Condition 3: Dedicate a 10-foot public utility easement along the street frontage of all internal streets, 36th Avenue SE, and Boone Road SE.

Condition 4: Dedicate a minimum 20-foot-wide water easement along the existing 36-inch G-1 water main within the subject property where the existing easement does not equal 20-feet wide.

Condition 5: Enter into a temporary facility access agreement specifying that a temporary access fee is due at the time of lot development based on \$10,000 per acre of land being developed and being served by the S-1 water system.

Condition 6: All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

Condition 7: Convey land for dedication to equal a half-width right-of-way of 36-feet on the development side of 36th Avenue SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Convey additional right-of-way or easement width to accommodate the waterway pursuant to PWDS.

Condition 8: Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Boone Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Convey additional right-of-way or easement width to accommodate the waterway pursuant to PWDS.

Condition 9: Dedicate a 60-foot-wide right-of-way for 32nd Avenue SE and A Street SE within the subject property as shown on the applicant's site plan.

Conditions to be complete prior to final plat approval for Phase 1, or delayed pursuant to an Improvement Agreement:

Condition 10: Construct an 18-inch S-1 water main in 36th Avenue SE from Boone Road SE to the south line of the subject property.

- Condition 11:** Construct a minimum 8-inch S-1 water main along proposed 32nd Avenue SE from 36th Avenue SE to A Street SE and in other internal streets pursuant to PWDS.
- Condition 12:** Construct a minimum 12-inch S-2 water main from Boone Road SE to the southerly terminus of A Street SE.
- Condition 13:** Construct a master plan sewer main in 36th Avenue SE from Kuebler Boulevard SE to the south line of the subject property.
- Condition 14:** Construct a 12-inch sewer main from 36th Avenue SE to the southerly terminus of A Drive SE.
- Condition 15:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way.
- Condition 16:** Construct a full-street improvement of 32nd Avenue SE from 36th Avenue SE to Boone Road SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 17:** Construct “A Drive” to Local Street Standards from 32nd Avenue SE to the southern property boundary as shown on the applicant’s preliminary site plan and as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 18:** Reconfigure the existing Boone/32nd intersection as described in Exhibit 14 of the Traffic Impact Analysis (TIA) submitted for McKenzie Heights Phase 1.

Conditions to be complete prior to final plat approval for Phase 2, or as a condition of Site Plan Review approval for Lot 9, whichever comes first:

- Condition 19:** Construct a local street within a 60-foot-wide right-of-way to provide an additional north-south local street connection from 32nd Avenue to the southern property boundary within lot 11 or 12.

Conditions to be complete as a condition of future lot development as specified in Site Plan Review approvals for each lot:

- Condition 20:** Pay a temporary access fee of \$10,000 per acre of land being developed and served by the S-1 water system pursuant to SRC 200.080(a).
- Condition 21:** Construct a half-street improvement along the frontage of 36th Avenue SE to Minor Arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The waterway(s) affected by the street construction shall be relocated pursuant to PWDS and applicable state and federal standards.
- Condition 22:** Construct a half-street improvement along the frontage of Boone Road SE to Local street standards as specified in the City Street Design Standards and

consistent with the provisions of SRC Chapter 803. The waterway(s) affected by the street construction shall be relocated pursuant to PWDS and applicable state and federal standards.

- Condition 23:** Extend a public access easement for conveying vehicular traffic within the parking aisle along the western edge of the development between the proposed 32nd Avenue SE and Boone Road SE.
- Condition 24:** Extend a mid-block bike/pedestrian walkway approximately at the middle of the site between the proposed 32nd Avenue SE and Boone Road SE according to PWDS.
- Condition 25:** Pay the Bonaventure Reimbursement District Fee for Kuebler Boulevard Street Improvements pursuant to Resolution No. 2015-17.
- Condition 26:** Pay a temporary access fee of 13.5 percent of the Parks SDCs due for the residential uses.
- Condition 27:** Provide the following traffic mitigation as described in the applicant's TIA:
- a) Construct dual northbound left-turn lanes on 36th Avenue SE at Kuebler Boulevard SE, and two westbound receiving lanes on Kuebler Boulevard SE from 36th Avenue SE to the northbound I-5 ramps.
 - b) Acquire off-site right-of-way as necessary along 36th Avenue SE to accommodate the additional turn lanes.
 - c) Modify the north leg of 36th Avenue SE to line up the through lanes.

The rights granted by the attached decision must be exercised, or an extension granted, by June 30, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>March 24, 2022</u>
Notice of Decision Mailing Date:	<u>June 14, 2022</u>
Decision Effective Date:	<u>June 30, 2022</u>
State Mandate Date:	<u>September 4, 2022</u>

Case Manager: Aaron Panko, APanko@cityofsalem.net, 503-540-2356

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Wednesday, June 29, 2022. 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 205. 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 Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission 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 by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173
<http://www.cityofsaalem.net/planning>*

DECISION

**IN THE MATTER OF THE) FINDINGS AND ORDER
APPROVAL OF PHASED SUBDIVISION)
TENTATIVE PLAN CASE NO. SUB22-04)
3200-3600 BLOCK OF BOONE ROAD SE) JUNE 14, 2022**

REQUEST

An industrial phased subdivision tentative plan to divide approximately 79 acres into a total of 12 lots ranging in size from 107,483 square feet to 499,672 square feet in size, in two phases of development. The applicant is requesting alternative street standards to increase the street spacing and connectivity standards in SRC Chapter 803 to allow the following proposed streets to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803:

- a) Northerly block between 32nd Avenue and 36th Avenue. Increase to approximately 1,785 feet with mid-block pedestrian connection and public access easement.
- b) Easterly block between Boone Road and proposed 32nd Avenue. Increase to approximately 712 feet.
- c) Easterly block between proposed 32nd Avenue and southerly boundary of property. Increase to approximately 705 feet.
- d) Southerly portion of property between A Drive and 36th Avenue. Increase to approximately 1,875 feet.

The subject property is approximately 79 acres in size, zoned IC (Industrial Commercial), and located at the 3200-3600 Block of Boone Road SE - 97317 (Marion County Assessor's Map and Tax Lot numbers: 083W13A / 00100, 00200, and 00300).

PROCEDURAL FINDINGS

1. On January 25, 2022, an application for a Phased Subdivision Tentative Plan was filed for a proposal to divide an approximately 79 acres located at the 3600 Block of Boone Road SE (Attachment A) into 12 lots in two phases of development.
2. After receiving missing information from the applicant, the application was deemed complete for processing on March 24, 2022. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on April 1, 2022, and public notice was posted on the subject property on April 1, 2022, pursuant to SRC 300.520(b)(2).
3. The 120-day state-mandated local decision deadline was extended by the applicant on April 22, 2022, requesting to extend the deadline for this application from July 22, 2022, by 30-days to August 21, 2022.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide approximately 79 acres into a total of 12 lots ranging in size from approximately 107,483 square feet to approximately 499,672 square feet in size, in two phases of development.

The applicant is requesting alternative street standards to increase the street spacing and connectivity standards in SRC Chapter 803 to allow the following proposed streets to exceed the 600-foot block length and 600-foot street connectivity standards:

- a) Northerly block between 32nd Avenue and 36th Avenue. Increase to approximately 1,785 feet with mid-block pedestrian connection and public access easement.
- b) Easterly block between Boone Road and proposed 32nd Avenue. Increase to approximately 712 feet.
- c) Easterly block between proposed 32nd Avenue and southerly boundary of property. Increase to approximately 705 feet.
- d) Southerly portion of property between A Drive and 36th Avenue. Increase to approximately 1,875 feet.

The proposal includes two phases of development. The first phase includes platting of Lots 1-5 on the western portion of the site, and Lots 6-8 on the eastern portion of the site, while leaving Lot 9 as a large lot at the center of the property to be further divided by Phase 2. 32nd Avenue SE will be extended through the development site from Boone Road SE to 36th Avenue SE with the first phase.

2. Existing Conditions

Site and Vicinity

The subject property (Attachment A) is approximately 79 acres in size and is currently occupied by a single-family dwelling and has been used as an agricultural use. The subject property is sloped with the highest elevations occurring at approximately 398 feet near the southwestern end of the property, then falling to approximately 230 feet near the northeastern end of the property adjacent to the intersection of Boone Road SE and 36th Avenue SE. An unnamed mapped waterway flows through the site.

Salem Area Comprehensive Plan (SACP) Designation

Urban Growth Policies: The subject property is located within the Salem Urban Growth Boundary and inside the corporate city limits.

Comprehensive Plan Map: The subject property is designated "Industrial Commercial" on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Industrial, Across Boone Road SE; Industrial and Commercial

South: Developing Residential
East: Across 36th Avenue SE; Industrial
West: Across Interstate 5; Developing Residential

Zoning and Surrounding Land Use

The subject property is zoned IC (Industrial Commercial) and currently contains a single-family dwelling near the southern property line, but is mostly vacant. The surrounding properties are zoned and used as follows:

North: Across Boone Road SE; IG (General Industrial), RA (Residential Agriculture), CO (Commercial Office), and Marion County IG (General Industrial) zoning; single family dwellings, residential care facility, storage facility.
South: RA (Residential Agriculture); vacant
East: Marion County IG-LU (General Industrial – Limited use), UT-10 (Urban Transition, 10 acres minimum lot size); light industrial, nursery.
West: Interstate 5

Relationship to Urban Service Area

The subject property is located outside the City’s Urban Service Area. An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required public facilities.

Infrastructure

Water: The subject property is within the G-1, S-1, and S-2 water service levels.
A 30-inch and 24-inch S-2 water main is located in Boone Road SE.
There are no S-1 or G-0 water mains to serve the subject property.
Sewer: An 8-inch sanitary sewer main is pending construction in Boone Road SE with the Phase 1 of McKenzie Heights Apartments (CU-SPR-ADJ-DAP-DR21-02).
Storm Drainage: An 18-inch storm main is located in Boone Road SE approximately 215-feet east of the subject property.
Streets: Boone Road SE abuts the subject property along the northern boundary and is designated as a local street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- This street currently has an approximate 20-foot improvement within a varied 40-to-50-foot-wide right-of-way abutting the subject property.

36th Avenue SE abuts the subject property at the eastern boundary and is designated as a minor arterial street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- This street has an approximate 22-foot turnpike improvement within a 40- to 55-foot-wide right-of-way abutting the subject property.

32nd Avenue SE is a planned local street in the Salem Transportation System Plan (TSP) within the subject property.

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- This street is undeveloped and pending construction with Phase 1 of the McKenzie Heights Apartments (CU-SPR-ADJ-DAP-DR21-02).

Parks: The proposed development is not served by a park.

3. 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 written statement provided by the applicant summarizing the request and addressing the applicable approval criteria, as well as the tentative subdivision plan illustrating the proposed development on the property, are attached to this report as follows:

- Phased Tentative Subdivision Plan: **Attachment B**
- Applicant's Written Statement: **Attachment C**

4. Summary of Record

The following items are submitted to the record and are available upon request: 1) All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) all documents referenced in this report. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 22-102354-LD.

5. Land Use History

- **CPC-ZC17-02:** A consolidated application to change the Comprehensive Plan Map designation and zoning from “Industrial” with IP (Industrial Park) zoning to “Industrial Commercial” with IC (Industrial Commercial) zoning for property approximately 79 acres located at the 3200-3600 Block of Boone Road SE.
- **UGA19-01:** An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of approximately 79 acres located at the 3200-3600 Block of Boone Road SE.
- **PAR19-12:** A proposed tentative partition plan to divide property approximately 79 acres located at the 3200-3600 Block of Boone Road SE into three parcels.
- **CU-SPR-ADJ-DAP-DR-21-02:** Development of a new fifteen building apartment complex with 210 dwelling units (McKenzie Heights Phase 1).
- **ADJ21-03:** Adjustments to pedestrian pathway and screening requirements for a previously approved apartment complex (McKenzie Heights Phase 1).
- **CU-SPR-ADJ-DAP-TRV-DR22-02:** Phase 2 development of the McKenzie Heights complex, this phase includes twelve multiple family residential buildings and twelve townhome buildings containing a total of 272 dwelling units.
- **SPR-DAP22-19:** A Class 3 Site Plan Review and Class 2 Driveway Approach Permits for a new flex space development containing nine buildings with a combined floor area of 189,066 square feet, and a self-service storage use containing six buildings and an office with a combined floor area of approximately 58,000 square feet in size.

6. Public and Private Agency Review

Building and Safety Division – The Building and Safety Division has reviewed the proposal and indicated no concerns.

Fire Department – The Salem Fire Department has reviewed the proposal and indicated no concerns with the phased subdivision. Items including Fire Department access and water supply will be required per the Oregon Fire Code at the time of development.

Public Works Department – The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided comments included in full as **Attachment D**.

7. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the Southeast Mill Creek Association (SEMCA).

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On December 20, 2021, the applicant contacted the SEMCA Chair and Land Use Chair informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to SEMCA pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

Homeowners Association

The subject property is not located within a Homeowners Association.

Public Comment

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property.

Two public comments have been received indicating concerns for the amount of recent growth in the area, increase in traffic, and concern about existing conditions of 36th Avenue SE.

Staff Response: Developments such as the proposed apartment complex are required to provide traffic mitigation measures as growth and development occurs resulting in increased vehicular trips in this area. In 2017, a Comprehensive Plan Map Amendment and Zone Change (CPC-ZC17-02) was approved for the subject property which included a limit on traffic impacts from future development on the subject property to a maximum of 12,916 average daily trips.

For this request, the applicant has submitted a Traffic Impact Analysis (TIA) that evaluates the proposed development along with the proposed multi-family residential apartment complex under separate review (CU-SPR-ADJ-DAP-TRV-DR22-02). The TIA demonstrates that the proposed development does not exceed the trip cap and identifies dual northbound left turn lanes on 36th Avenue SE plus two westbound receiving lanes on Kuebler Boulevard SE that extends to the northbound I-5 ramps as a mitigation measure. The dual northbound left turn lanes need to provide 200 feet of vehicle storage. Widening 36th Avenue SE to accommodate the additional turn lanes may require additional ROW. The north leg of 36th Avenue SE will need to be widened to ensure the lanes line up with the new southern leg lane configuration. Traffic signal poles may need to be relocated to accommodate these improvements.

The existing condition along the frontage of 36th Avenue SE does not meet Minor Arterial standards. A half-street improvement and right-of-way dedication are required along with the required mitigation as described in the applicant's TIA.

DECISION CRITERIA

8. Analysis of Subdivision Tentative Plan Approval Criteria

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance

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

SRC 205.010(d) and 205.015(d) sets forth the criteria that must be met before approval can be granted for a phased subdivision tentative plan request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator’s decision is based. The requirements of SRC 205.010(d) and 205.015(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

SRC 205.010(d)(1): The tentative subdivision complies with all 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.

SRC Chapter 551 (Industrial Commercial): The proposed subdivision would divide the approximately 79-acre property into 12 lots, in two phases of development. The subject property is zoned IC (Industrial Commercial), the development standards of the IC zone are established under SRC 551.010 and are addressed as follows:

Lot Standards for IC zone (SRC Chapter 551, Table 551-2)

Requirement	Standard
Lot Area	None
Lot Width	None
Lot Depth	None
Street Frontage (All uses other than single family)	Minimum 16 feet

Proposed lots in the subdivision range from approximately 107,483 square feet to 499,672 square feet in size. Each of the proposed lots has street frontage on an existing or proposed street exceeding the minimum street frontage requirement in compliance with the lot standards of the IC zone.

Setback Requirements: SRC Chapter 551 establishes the following setback standards for development within an IC (Industrial Commercial) zone:

Yards Abutting a Street:

- Minimum five feet applicable to buildings and accessory structures.
- Minimum 6-10 feet for vehicle use areas.

Interior Front Yard:

- Multi-family residential uses – Minimum 15-foot building, accessory structure, and vehicle use area setback.
- Zone-to-zone setback for all other uses. See Table 551-4.

Interior Side Yards:

- Multi-family residential uses – Minimum 15-foot building, accessory structure, and vehicle use area setback.
- Zone-to-zone setback for all other uses. See Table 551-4.

Interior Rear Yards:

- Multi-family residential uses – Minimum 15-foot building, accessory structure, and vehicle use area setback.
- Zone-to-zone setback for all other uses. See Table 551-4.

Setback requirements for future development will be reviewed at the time of application for building permits on individual lots. However, in the case of this subdivision there have already been land use approvals for development of lots 1-2 (McKenzie Heights Phase 1: CU-SPR-ADJ-DAP-DR21-05), lots 3-5 (McKenzie Heights Phase 2: CU-SPR-ADJ-DAP-TRV-DR22-02) and lots 6-8 (Flex industrial buildings and self-service storage use: SPR-DAP22-19). Proposed lot lines for this phased subdivision may conflict with minimum setback requirements for previously approved uses. Prior to final plat approval the applicant shall demonstrate that the proposed boundaries for each lot are placed in a location that ensures that minimum setback requirements are met for each lot that has previously received site plan review approval. The following condition of approval shall apply:

Condition: Prior to final plat approval the applicant shall demonstrate that the proposed boundaries for each lot are placed in a location that ensures that minimum setback requirements are met for each lot that has previously received site plan review approval. Required setbacks may be adjusted if needed.

SRC Chapter 800 (General Development Standards):

SRC 800.020 (Designation of Lot Lines): SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. Corner lots are

lots located at the intersection of two or more streets, typically with street frontage on two sides. Double frontage lots are lots that have frontage on two streets that do not intersect at the lot's boundaries. Proposed lots 1, 2, 4, 7 and 8 are corner lots. Proposed lot 10 is a double frontage lot. Per SRC 800.025, the front lot line for lots 1, 2, 4, 7 and 8 shall be determined by the building permit applicant.

Flag Lots:

No flag lots are proposed for this phased subdivision tentative plan; therefore, the flag lot development standards of SRC 800.025 are not applicable to this request.

As proposed and conditioned, the phased subdivision tentative plan conforms to the requirements of SRC Chapter 800.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 71 (Stormwater): The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards as adopted in Administrative Rule 109, Division 004. To demonstrate that the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative located of stormwater facilities.

As conditioned below, the proposal meets the requirements of SRC Chapter 71.

Condition: Provide an engineered stormwater design pursuant to Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS) to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. An Urban Growth Preliminary Declaration (UGA) was completed for the subject property in 2019 (UGA19-01). Recommended conditions of approval ensure that all the subject property will be served by public infrastructure. The subdivision tentative plan is designed to accommodate necessary on-site and off-site infrastructure improvements.

SRC Chapter 205 (Land Division and Reconfiguration): SRC 205.035(f) provides that where facilities and common property, including but not limited to, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, are included within the development, the recorded covenants, conditions, and restrictions for the development shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association.

The proposed subdivision includes two public access easements for property lot 8, including a vehicular use easement and a pedestrian and bicycle pathway easement connecting between 32nd Avenue SE and Boone Road SE. Where these common facilities will be privately owned, the applicant shall include provisions for operation and maintenance of these facilities in compliance with SRC 205.035(f).

Condition: If common facilities will be privately owned, the applicant shall provide recorded covenants, conditions, and restrictions for the development prior to final plat approval that shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association consistent with the requirements of SRC 205.035(f).

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available in the area surrounding the site and appears to be adequate to serve the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo (Attachment D).

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards. The Schematic Utility Plan included in the proposal shows that each lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS.

SRC Chapter 803 (Streets and Right-of-Way Improvements):

SRC 803.015 (Traffic Impact Analysis): The proposed subdivision generates more than 1,000 average daily vehicle trips to the Minor arterial street system. Therefore, a TIA was required as part of the proposed subdivision submittal. The applicant provided a TIA prepared by Enloe Consulting, LLC dated March 16, 2022.

SRC 803.020 (Public and Private Streets): The applicant proposes for all internal streets within the subdivision to be public streets.

SRC 803.025 (Right-of-Way and Pavement Widths): Right-of-way width for streets shall conform to the standards set forth in Table 803-1.

Boone Road SE abuts the subject property to the north and currently does not meet right-of-way or improvement width standards for a Local street. 36th Avenue SE abuts the subject property to the east and currently does not meet right-of-way or improvement width standards for a Minor Arterial street. In implementing boundary street requirements pursuant to SRC 803.040, conditions of approval require the applicant to dedicate additional right-of-way and

provide frontage improvements for both Boone Road SE and 36th Avenue SE where it abuts the property.

Proposed internal local streets, 32nd Avenue SE and "A" Street SE comply with applicable standards for local street right-of-way and pavement width as specified in SRC 803.025.

SRC 803.030 (Street Spacing): The street spacing requirements specifies maximum block lengths of 600 feet along one axis, and between 120 feet minimum and 400 feet maximum along the other axis. Street spacing may be increased based on one or more of the conditions set forth in subsection (b).

The applicant is requesting alternative street standards for street spacing and connectivity as follows:

- 1) Along the northerly block between 32nd Avenue and 36th Avenue. Increase to approximately 1,785 feet with mid-block pedestrian connection and public access easement.
- 2) Along the easterly block between Boone Road and proposed 32nd Avenue. Increase to approximately 712 feet.
- 3) Along the easterly block between proposed 32nd Avenue and the southerly boundary of the property. Increase to approximately 705 feet.
- 4) Along the southerly portion of property between A Drive and 36th Avenue. Increase to approximately 1,875 feet.

Complete staff analysis of the request for alternative street standards are found in findings for SRC 205.010(d)(4) below.

SRC 803.035 (Street Standards): All public and private streets are subject to the street standards in this section.

Finding: Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. With the exception of alternative street standards granted for connectivity identified above, as proposed and conditioned the phased subdivision provides for adequate street connectivity in compliance with 803.035(a).

The tentative subdivision plat shows property line sidewalks for all proposed internal local streets, which is consistent with SRC 803.035(l).

A 10-foot-wide public utility easement is required along street frontages pursuant to SRC 803.035(n).

Condition: Dedicate a 10-foot public utility easement along the street frontage of all internal streets, 36th Avenue SE, and Boone Road SE.

SRC 803.040 (Boundary Streets): Boone Road SE and 36th Avenue SE are boundary streets, running along the northern and eastern frontage of the subject property. Both streets do not meet the current standards for their street classification. In implementing boundary street requirements pursuant to SRC 803.040, conditions of approval require the applicant to dedicate additional right-of-way and provide street improvements for these boundary streets.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

SRC Chapter 601 (Floodplain Overlay Zone): The Public Works Department has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone “AE” floodplain. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation.

SRC Chapter 602 (Airport Overlay Zone): The subject property is located within the Horizontal Surface of the Airport Overlay Zone. Within the horizontal area, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation. Some portions of the site exceed this allowance, per SRC 602.025(a) no building, structure, or object shall be erected or increased in height, and no vegetation shall be allowed to grow, to a height in excess of the height limitations of the Airport Overlay Zone unless a variance has been granted. Compliance with the requirements of Chapter 602 will be addressed at the time of future development of each lot.

SRC Chapter 808 (Preservation of Trees and Vegetation): The City’s tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for single-family or two-family uses where trees are proposed for removal. The proposed subdivision does not involve the creation of lots or parcels to be used for single-family or two family uses; therefore, a Tree Conservation Plan is not required in conjunction with this development.

Tree removal activities will be evaluated for conformance with applicable standards of SRC Chapter 808 at the time of site plan review and public construction permitting.

SRC Chapter 809 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-to-3-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5-to-6-points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment.

A Geological Assessment, prepared by Northwest Geological Services, INC. and dated October 17, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

Final Plat:

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. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. 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), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

Finding: The lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the IC (Industrial Commercial) zone SRC Chapter 551. Staff has included conditions of approval for the subdivision to provide an additional street connection to abutting property to the south and has included a condition of approval requiring the applicant to demonstrate all applicable interior setbacks to proposed lot lines will be met prior to final plat approval.

There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties.

As conditioned, the proposal meets this criterion.

SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.

Finding: The proposed subdivision is located within the G-0, S-1, and S-2 water service areas.

There is a 36-inch G-0 transmission main that traverses through the subject property from 36th Avenue SE to Boone Road SE. Individual service connections are not permitted to connect to transmission mains per PWDS. The existing easement for this transmission main is 10-feet. Current PWDS require a 20-foot easement for a 36-inch water main. The applicant shall dedicate a 20-foot easement to the City of Salem for continued maintenance and access to the main.

Condition: Dedicate a minimum 20-foot-wide water easement along the existing 36-inch G-1 water main within the subject property where the existing easement does not equal 20-feet wide.

In accordance with the *Salem Water System Master Plan* and as required by UGA19-01, the applicant shall be required to extend water mains to adjoining undeveloped property to accommodate future development. The *Salem Water System Master Plan* shows a new 18-inch S-1 water main is required within 36th Avenue SE to be constructed from Boone Road SE to the southern property boundary. Eight-inch S-1 water mains are required within the internal streets.

The S-1 water infrastructure in the area is underserved. As a condition of development in the S-1 water service level, the applicant shall be required to construct Water System Master Plan S-1 facilities needed to serve the development, which include Coburn S-1 Reservoir, Boone Road Pump Station, and transmission mains connecting the facilities. Alternatively, a temporary access may be paid for service within the S-1 water service level. Pursuant to UGA19-01, the applicant is required to enter into a temporary facility access agreement specifying that a temporary access fee is due at the time of lot development based on \$10,000 per acre of land being served by the S-1 water system as follows: Lot 1 - \$89,340; Lot 2 - \$24,670; Lot 3 - \$26,160; Lot 4 - \$94,410; Lot 5 - \$48,600; Lot 6 - \$34,170; Lot 7 - \$57,200; Lot 8 - \$103,670; Lot 10 - \$114,710; Lot 11 - \$48,430; Lot 12 - \$77,660.

A small southerly portion of the property is located in the S-2 water service level. The nearest S-2 water facilities are located in Boone Road abutting the subject property. The Water System Master Plan specifies that a 12-inch water main shall be extended from Boone Road through the subject property to the southerly terminus of A Street. This S-2 water main has an SDC Eligibility Ratio of 100 percent in the S-1 service area where direct service is not provided to the development and a ratio of actual cost minus 8-inch equivalent in the S-2 service area where direct service is provided.

Condition: Construct an 18-inch S-1 water main in 36th Avenue SE from Boone Road SE to the south line of the subject property.

- Condition:** Construct a minimum 8-inch S-1 water main along proposed 32nd Avenue SE from 36th Avenue SE to A Street SE and in other internal streets pursuant to PWDS.
- Condition:** Construct a minimum 12-inch S-2 water main from Boone Road SE to the southerly terminus of A Street SE.
- Condition:** Enter into a temporary facility access agreement specifying that a temporary access fee is due at the time of lot development based on \$10,000 per acre of land being developed and being served by the S-1 water system.
- Condition:** Pay a temporary access fee of \$10,000 per acre of land being developed and served by the S-1 water system pursuant to SRC 200.080(a).

The nearest available sewer facility appears to be located in 36th Avenue SE at the intersection of Kuebler Boulevard SE. As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (PWDS Sewer Division 003). Prior to plat approval, the applicant shall construct a master plan sewer main in 36th Avenue SE from Kuebler Boulevard SE to Boone Road SE, and a 12-inch sewer main in 36th Avenue SE from Boone Road SE to the south line of the subject property.

- Condition:** Construct a master plan sewer main in 36th Avenue SE from Kuebler Boulevard SE to the south line of the subject property.
- Condition:** Construct a 12-inch sewer main from 36th Avenue SE to the southerly terminus of A Drive SE.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

- Condition:** Provide an engineered stormwater design pursuant to Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS) to accommodate future impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way.

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. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition: All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

As proposed and conditioned above, the proposal meets this criterion.

SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Finding: The existing condition of 36th Avenue SE does not meet current standards for its classification of street per the *Salem Transportation System Plan*. The applicant shall convey for dedication a half-width right-of-way up to 36-feet to Minor Arterial street standards as specified in the Public Works Design Standards and based on a rational nexus calculation. Additionally, a half-street improvement is required along with the required mitigation as described in the applicant's TIA, discussed further below.

Condition: Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of 36th Avenue SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Convey additional right-of-way or easement width to accommodate the waterway pursuant to PWDS.

Condition: Construct a half-street improvement along the frontage of 36th Avenue SE to Minor Arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The waterway(s) affected by the street construction shall be relocated pursuant to PWDS and applicable state and federal standards.

The existing condition of Boone Road SE does not meet current standards for its classification of street per the *Salem Transportation System Plan*. The applicant shall convey for dedication a half-width right-of-way up to 30-feet to Local street standards as specified in the Public Works Design Standards and based on a rational nexus calculation. Additionally, the applicant shall be required to construct a half-street improvement to Local standards along the entire frontage of Boone Road SE.

Condition: Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Boone Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Convey additional right-of-way or easement width to accommodate the waterway pursuant to PWDS.

Condition: Construct a half-street improvement along the frontage of Boone Road SE to Local street standards as specified in the City Street Design Standards and

consistent with the provisions of SRC Chapter 803. The waterway(s) affected by the street construction shall be relocated pursuant to PWDS and applicable state and federal standards.

The applicant shows a new public street bisecting the subject property (32nd Avenue SE) and extending from 36th Avenue SE to Boone Road SE. The applicant shall construct a full street improvement and dedicate right-of-way to Local street standards.

Condition: Dedicate a 60-foot-wide right-of-way for 32nd Avenue SE and A Street SE within the subject property as shown on the applicant's site plan.

Condition: Construct a full-street improvement of 32nd Avenue SE from 36th Avenue SE to Boone Road SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

Condition: Construct "A Drive" to Local Street Standards from 32nd Avenue SE to the southern property boundary as shown on the applicant's preliminary site plan and as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

The applicant is requesting alternative street standards to increase the street spacing and connectivity standards in SRC Chapter 803 to allow the following proposed streets to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803:

Request: Northerly block between 32nd Avenue and 36th Avenue increase to approximately 1,785 feet with mid-block pedestrian connection and public access easement.

Analysis: The applicant has submitted a Site Plan Review application for Lot 8 of the proposed subdivision, which will establish an industrial use on this lot (SPR-DAP22-19). Applicant proposes a public access easement within the drive aisle along the western edge of the proposed development in lieu of a north-south street connection between Boone and 32nd. The tentative plan also shows a pedestrian easement approximately in the middle of the development. No plans have been submitted for development on Lot 10. The applicant submitted a wetlands delineation which shows the majority of Lot 10 contains jurisdictional Wetlands. Construction of a street through lot 10 may not be suitable based on the existing conditions of the site. Pursuant to SRC 803.030(b) the Director **APPROVES** the alternative street standard to allow for an increased block-length.

Condition: Extend a public access easement for conveying vehicular traffic within the parking aisle along the western edge of the development between the proposed 32nd Avenue SE and Boone Road SE.

Condition: Extend a mid-block bike/pedestrian walkway approximately at the middle of the site between the proposed 32nd Avenue SE and Boone Road SE according to PWDS.

Request: Easterly block between Boone Road and proposed 32nd Avenue increase to approximately 712 feet and easterly block between proposed 32nd Avenue and southerly boundary of property increase to approximately 705 feet.

Analysis: The subject property has approximately 1400-feet of frontage on 36th Avenue SE and has submitted a site plan that shows development along the entire frontage of 36th Avenue SE (SPR-DAP22-19). The location of the proposed 32nd Avenue SE splits the applicant's frontage into two approximate 700-foot blocks. The Director **APPROVES** a larger block length SRC 803.030(b) because it accommodates for more efficient and denser development, and strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic.

Request: Southerly portion of property between A Drive and 36th Avenue increase to approximately 1,875 feet.

Analysis: The applicant proposes one north-south street connection to serve the adjacent property to the south (A Drive). No development plans have been submitted for Lots 11 or 12 within phase 2. The topography of Lots 11 and 12 and adjacent property to the south would not prohibit one additional north-south street connection. Additionally, the mapped wetland areas are less restrictive in this area of the site according to the Oregon Department of State Lands (DSL) Wetland Delineation Concurrence Letter issued December 30, 2020 (WD # 2020-0467). An additional Local street connection will provide an alternative route other than 36th Avenue SE, a Minor Arterial street, for future development on property directly to the south. Not only does an interconnected local street system disperse traffic, but it also encourages a mix of travel modes. Based on the above analysis, a second north-south street connection is warranted to serve the undeveloped property to the south and appears to be feasible to construct.

The Director **DENIES** this request for an increased block length; a condition of approval stipulates one additional north-south street connection be provided. Because there are no development plans for lot 11 or 12 (phase 2) at this time, it is recommended that the additional street be constructed prior to final plat approval for phase 2. Alternatively, if the applicant develops Lot 9 without platting phase 2, the street will be required as a condition of development on lot 9.

Condition: Construct a local street within a 60-foot-wide right-of-way to provide an additional north-south local street connection from 32nd Avenue to the southern property boundary within lot 11 or 12.

The subject property is located within the Bonaventure Reimbursement District for improvements that were made to Kuebler Boulevard SE. The fee for the reimbursement district is established based on methodology within Resolution No. 2015-17.

Condition: Pay the Bonaventure Reimbursement District Fee for Kuebler Boulevard Street Improvements pursuant to Resolution No. 2015-17.

CPC-ZC17-02 limits traffic impacts from future development on the subject property to a

maximum of 12,916 average daily trips. The TIA demonstrates that the proposed development does not exceed the trip cap.

SRC 205.010(d)(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: Conditions above implement required improvements to the street system in and adjacent to the subject property. As proposed and conditioned, the network of boundary and internal streets serving the subdivision provides for direct access to all lots within the subdivision. The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subject property will conform to the Salem Transportation System Plan, and provide for safe, orderly, and efficient circulation of traffic into, through and out of the subdivision.

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.

Finding: No existing parks facilities are available within ½ mile of the subject property. The *Comprehensive Parks System Master Plan* shows that a future Neighborhood Park (NP 29) is planned on or near the subject property. According to UGA 19-01, the applicant shall either set aside area for a neighborhood park or pay a Temporary Access Fee (TAF). The temporary access fee shall be due as a condition of future lot development as specified in Site Plan Review approvals for each lot.

Condition: Pay a temporary access fee of 13.5 percent of the Parks SDCs due for the residential uses.

SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

Finding: The applicant submitted a Traffic Impact Analysis that evaluates the subdivision and development along with the proposed Industrial Flex Spaces and Storage Units under review (SPR-DAP22-19) and the McKenzie Heights Apartments Phase 2 (CU-SPR-ADJ-DAP-TRV-DR22-02). The TIA identifies dual northbound left-turn lanes on 36th Avenue SE plus two westbound receiving lanes on Kuebler Boulevard SE that extend to the northbound I-5 ramps. The dual northbound left-turn lanes need to provide 200 feet of vehicle storage. Widening 36th Avenue SE to accommodate the additional turn lanes may require additional right-of-way. The north leg of 36th Avenue SE will need to be widened to ensure the lanes line up with the new southern leg lane configuration. Traffic signal poles may need to be relocated to accommodate these improvements.

Condition: Provide the following traffic mitigation as described in the applicant's TIA:

- a) Construct dual northbound left-turn lanes on 36th Avenue SE at Kuebler Boulevard SE, and two westbound receiving lanes on Kuebler Boulevard SE from 36th Avenue SE to the northbound I-5 ramps.
- b) Acquire off-site right-of-way as necessary along 36th Avenue SE to accommodate the additional turn lanes.
- c) Modify the north leg of 36th Avenue SE to line up the through lanes.

The McKenzie Heights Apartments Phase 1 was reviewed and approved under CU-SPR-ADJ-DAP-DR21-02. A Traffic Impact Analysis (TIA) was also submitted for that phase of development and established the need to reconfigure the intersection of 32nd Avenue SE and Boone Road S.

Condition: Reconfigure the existing Boone/32nd intersection as described in Exhibit 14 of the Traffic Impact Analysis (TIA) submitted for McKenzie Heights Phase 1.

As proposed and conditioned above, the proposal meets this criterion.

SRC 205.010(d)(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: The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The configuration of lots on the subject property makes logical use of developable land. As described in findings, the lot configuration proposed by the applicant meet applicable development standards minimizing the need for any variances. The subject property contains mapped wetland areas, wetland channels, hydric soils and a mapped waterway. The applicant is advised to contact the Oregon department of State Lands to verify if permits are required for development or construction in the vicinity of mapped wetland areas. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC. The proposal meets this criterion.

SRC 205.010(d)(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: The tentative subdivision plan configures lots and streets to allow for reasonable development of the site while minimizing disruptions to topography. There are existing trees on the southwest portion of the site that have been approved for removal by previously approved land use decisions for McKenzie Heights Apartments (CU-SPR-ADJ-DAP-DR-21-02 and CU-

SPR-ADJ-DAP-TRV-DR22-02). No additional existing trees are identified for removal with this subdivision. The proposal meets this criterion.

SRC 205.010(d)(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 subject property is located outside of the Urban Service Area. An Urban Growth Preliminary Declaration (UGA) was completed for the subject property in 2019 (UGA19-01). Recommended conditions of approval ensure that all the subject property will be served by public infrastructure. The subdivision tentative plan is designed to accommodate necessary on-site and off-site infrastructure improvements.

SRC 205.015(d)(1): The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).

Finding: The proposal includes two phases of development. All public improvements listed as conditions shall be required prior to final plat approval for Phase 1. As shown on the applicant's tentative plan, public infrastructure constructed in Phase 1 will be adequate to serve Phase 2. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

SRC 205.015(d)(2): Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

Finding: As conditioned, connectivity for streets and City utilities will be provided for both phases and constructed in an orderly and efficient manner.

SRC 205.015(d)(3): Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

Finding: With recommended conditions, public improvements serving each phase are substantially and functionally self-contained within each phase.

SRC 205.015(d)(4): Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

Finding: As conditioned, the phasing plan allows for infrastructure that supports the phased subdivision as a whole.

CONCLUSION

Based upon review of SRC Chapter 205, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

ORDER

Phased Subdivision Tentative Plan Case No. SUB22-04 is hereby **APPROVED** subject to SRC Chapter 205, the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

Conditions applicable to all phases:

- Condition 1:** Prior to final plat approval the applicant shall demonstrate that the proposed boundaries for each lot are placed in a location that ensures that minimum setback requirements are met for each lot that has previously received site plan review approval. Required setbacks may be adjusted if needed.
- Condition 2:** If common facilities will be privately owned, the applicant shall provide recorded covenants, conditions, and restrictions for the development prior to final plat approval that shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association consistent with the requirements of SRC 205.035(f).

Conditions to be complete prior to final plat approval for Phase 1, or shown on the final plat:

- Condition 2:** Provide an engineered stormwater design pursuant to Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS) to accommodate future impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 3:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets, 36th Avenue SE, and Boone Road SE.
- Condition 4:** Dedicate a minimum 20-foot-wide water easement along the existing 36-inch G-1 water main within the subject property where the existing easement does not equal 20-feet wide.
- Condition 5:** Enter into a temporary facility access agreement specifying that a temporary access fee is due at the time of lot development based on \$10,000 per acre of land being developed and being served by the S-1 water system.
- Condition 6:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

- Condition 7:** Convey land for dedication to equal a half-width right-of-way of 36-feet on the development side of 36th Avenue SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Convey additional right-of-way or easement width to accommodate the waterway pursuant to PWDS.
- Condition 8:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Boone Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Convey additional right-of-way or easement width to accommodate the waterway pursuant to PWDS.
- Condition 9:** Dedicate a 60-foot-wide right-of-way for 32nd Avenue SE and A Street SE within the subject property as shown on the applicant's site plan.

Conditions to be complete prior to final plat approval for Phase 1, or delayed pursuant to an Improvement Agreement:

- Condition 10:** Construct an 18-inch S-1 water main in 36th Avenue SE from Boone Road SE to the south line of the subject property.
- Condition 11:** Construct a minimum 8-inch S-1 water main along proposed 32nd Avenue SE from 36th Avenue SE to A Street SE and in other internal streets pursuant to PWDS.
- Condition 12:** Construct a minimum 12-inch S-2 water main from Boone Road SE to the southerly terminus of A Street SE.
- Condition 13:** Construct a master plan sewer main in 36th Avenue SE from Kuebler Boulevard SE to the south line of the subject property.
- Condition 14:** Construct a 12-inch sewer main from 36th Avenue SE to the southerly terminus of A Drive SE.
- Condition 15:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way.
- Condition 16:** Construct a full-street improvement of 32nd Avenue SE from 36th Avenue SE to Boone Road SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 17:** Construct "A Drive" to Local Street Standards from 32nd Avenue SE to the southern property boundary as shown on the applicant's preliminary site plan and as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

Condition 18: Reconfigure the existing Boone/32nd intersection as described in Exhibit 14 of the Traffic Impact Analysis (TIA) submitted for McKenzie Heights Phase 1.

Conditions to be complete prior to final plat approval for Phase 2, or as a condition of Site Plan Review approval for Lot 9, whichever comes first:

Condition 19: Construct a local street within a 60-foot-wide right-of-way to provide an additional north-south local street connection from 32nd Avenue to the southern property boundary within lot 11 or 12.

Conditions to be complete as a condition of future lot development as specified in Site Plan Review approvals for each lot:

Condition 20: Pay a temporary access fee of \$10,000 per acre of land being developed and served by the S-1 water system pursuant to SRC 200.080(a).

Condition 21: Construct a half-street improvement along the frontage of 36th Avenue SE to Minor Arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The waterway(s) affected by the street construction shall be relocated pursuant to PWDS and applicable state and federal standards.

Condition 22: Construct a half-street improvement along the frontage of Boone Road SE to Local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The waterway(s) affected by the street construction shall be relocated pursuant to PWDS and applicable state and federal standards.

Condition 23: Extend a public access easement for conveying vehicular traffic within the parking aisle along the western edge of the development between the proposed 32nd Avenue SE and Boone Road SE.

Condition 24: Extend a mid-block bike/pedestrian walkway approximately at the middle of the site between the proposed 32nd Avenue SE and Boone Road SE according to PWDS.

Condition 25: Pay the Bonaventure Reimbursement District Fee for Kuebler Boulevard Street Improvements pursuant to Resolution No. 2015-17.

Condition 26: Pay a temporary access fee of 13.5 percent of the Parks SDCs due for the residential uses.

Condition 27: Provide the following traffic mitigation as described in the applicant's TIA:

- a) Construct dual northbound left-turn lanes on 36th Avenue SE at Kuebler Boulevard SE, and two westbound receiving lanes on Kuebler Boulevard SE from 36th Avenue SE to the northbound I-5 ramps.

- b) Acquire off-site right-of-way as necessary along 36th Avenue SE to accommodate the additional turn lanes.
- c) Modify the north leg of 36th Avenue SE to line up the through lanes.

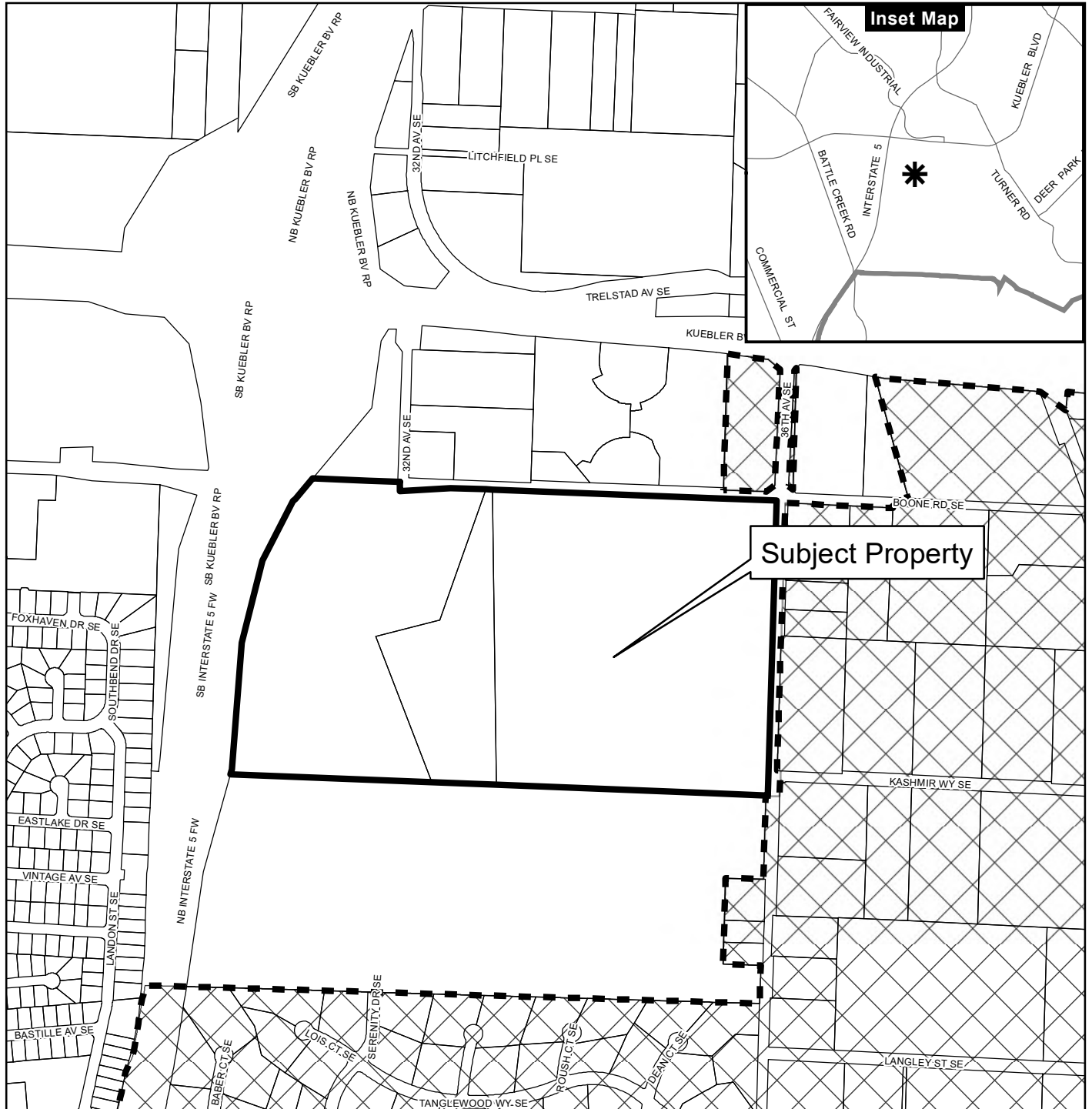


Aaron Panko, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator








- Attachments:
- A. Vicinity Map
 - B. Tentative Subdivision Plan
 - C. Applicant's Written Statement
 - D. City of Salem Public Works Department Memo

Vicinity Map

3200-3600 Block of Boone Road SE



Legend

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



0 100 200 400 Feet



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.

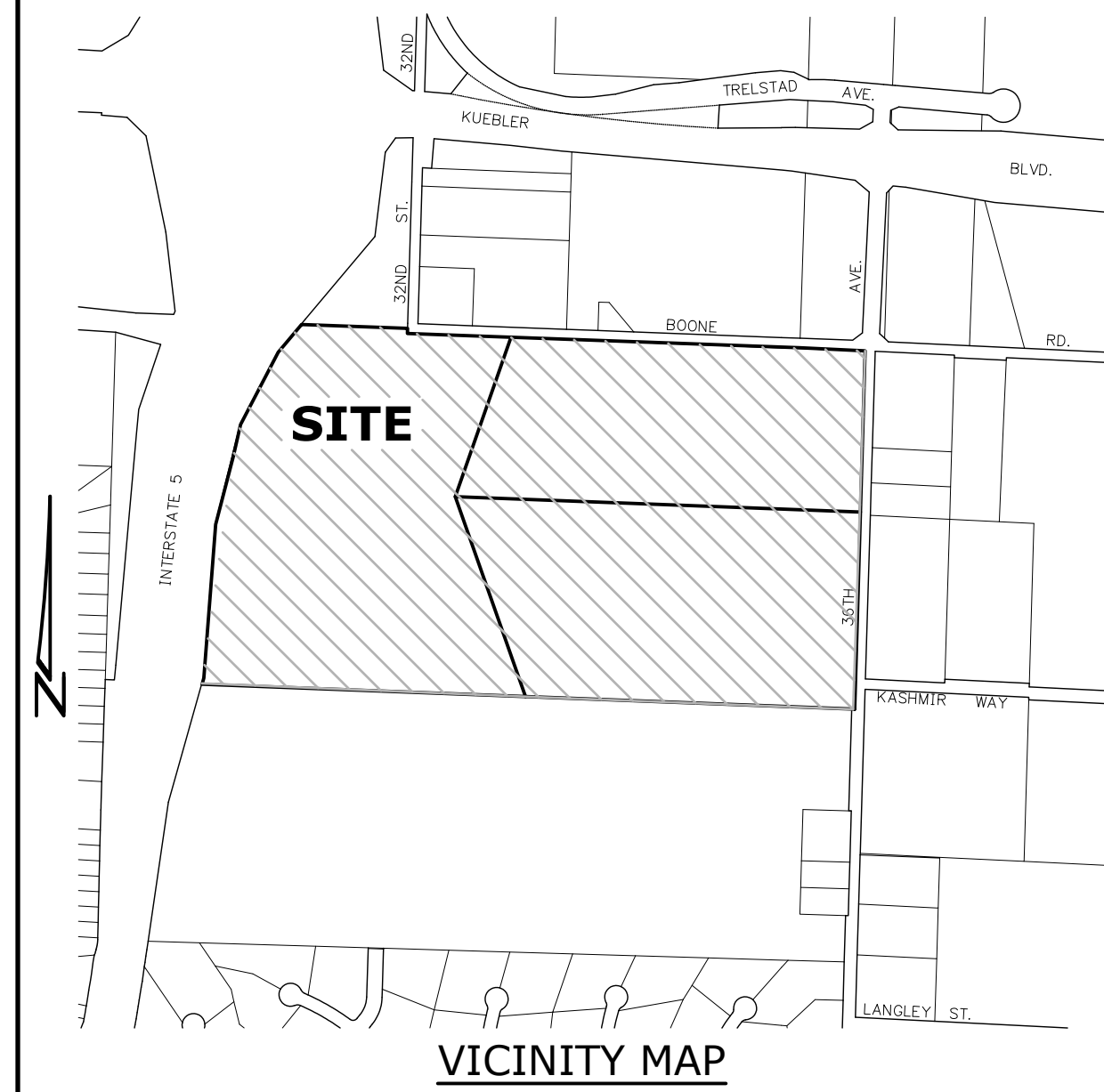
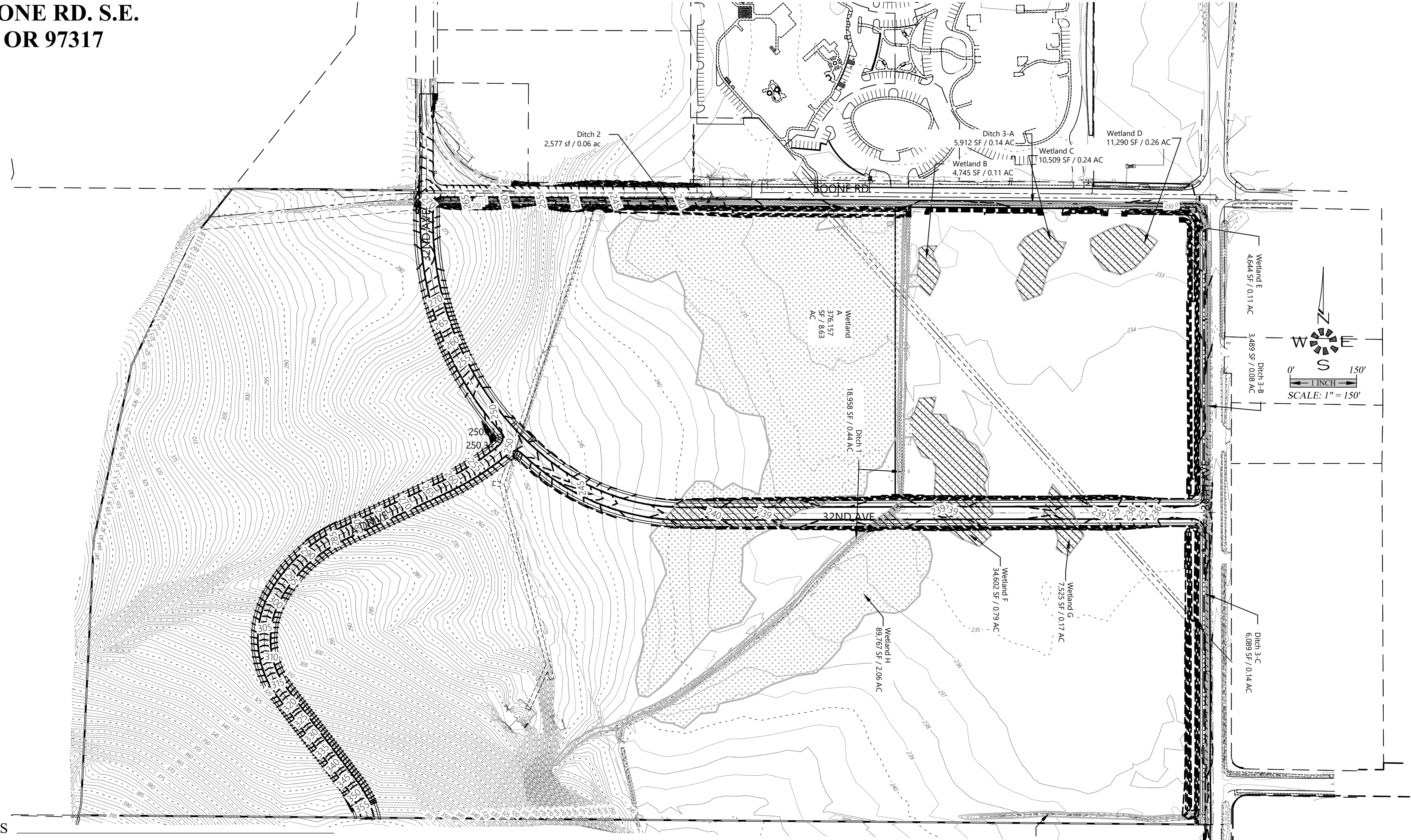
Owner / Developer:

MWSH BOONE ROAD PROPERTY, LLC

3425 BOONE RD. S.E.
SALEM, OR 97317

BOONE ROAD INDUSTRIAL SUBDIVISION

SEC. 13, T. 8 S., R. 3 W., W.M.
CITY OF SALEM
MARION COUNTY, OREGON



SHEET INDEX

- 100 - COVER SHEET
- 101 - EXISTING CONDITIONS
- 102 - OVERALL SITE PLAN
- 103 - PHASE 1 LOTS
- 104 - PHASE 2 LOTS
- 105 - TREE PLAN OVERALL
- 106 - TREE PLAN
- 107 - TREE PLAN
- 108 - TREE PLAN
- 109 - TREE PLAN
- 110 - TREE PLAN
- 201 - SANITARY SEWER TRUNK LINE - 36TH AVE
- 202 - SANITARY SEWER TRUNK LINE - 36TH AVE
- 203 - SANITARY SEWER TRUNK LINE - 36TH AVE
- 204 - SANITARY SEWER IMPROVEMENTS - 32ND AVE.
- 205 - SANITARY SEWER IMPROVEMENTS - 32ND AVE.
- 206 - SANITARY SEWER IMPROVEMENTS - A DRIVE
- 207 - SANITARY SEWER IMPROVEMENTS - A DRIVE
- 208 - SANITARY SEWER IMPROVEMENTS - A DRIVE
- 301 - STORM DRAIN IMPROVEMENTS - BOX CULVERTS
- 302 - STORM DRAIN IMPROVEMENTS - NORTH DITCH
- 303 - STORM DRAIN IMPROVEMENTS - NORTH DITCH
- 304 - STORM DRAIN IMPROVEMENTS - EAST DITCH
- 305 - STORM DRAIN IMPROVEMENTS - EAST DITCH
- 306 - STORM DRAIN IMPROVEMENTS - EAST DITCH
- 307 - STORM DRAIN IMPROVEMENTS - 32ND AVE.
- 308 - STORM DRAIN IMPROVEMENTS - 32ND AVE.
- 310 - STORM DRAIN IMPROVEMENTS - 32ND AVE.
- 313 - STORM DRAIN IMPROVEMENTS - A DRIVE
- 314 - STORM DRAIN IMPROVEMENTS - A DRIVE
- 315 - STORM DRAIN IMPROVEMENTS - A DRIVE
- 316 - STORM DRAIN DETAILS
- 317 - PLANTER BOX DETAILS
- 401 - STREET IMPROVEMENTS - 32ND AVE.
- 402 - STREET IMPROVEMENTS - 32ND AVE.
- 403 - TYPICAL STREET SECTIONS - 32ND AVE.
- 404 - STREET IMPROVEMENTS - A DRIVE
- 405 - STREET IMPROVEMENTS - BOONE RD.
- 406 - STREET IMPROVEMENTS - BOONE RD.
- 407 - STREET IMPROVEMENTS - BOONE RD.
- 408 - STREET IMPROVEMENTS - BOONE RD.
- 409 - TYPICAL STREET SECTIONS - BOONE RD.
- 410 - STREET IMPROVEMENTS - BOONE RD. SECTIONS
- 411 - STREET IMPROVEMENTS - BOONE RD. SECTIONS
- 412 - STREET IMPROVEMENTS - BOONE RD. SECTIONS
- 413 - STREET IMPROVEMENTS - BOONE RD. SECTIONS
- 414 - STREET IMPROVEMENTS - BOONE RD. SECTIONS
- 415 - STREET IMPROVEMENTS - 36TH AVE.
- 416 - STREET IMPROVEMENTS - 36TH AVE.
- 417 - STREET IMPROVEMENTS - 36TH AVE.
- 418 - STREET IMPROVEMENTS - 36TH AVE. SECTIONS
- 419 - STREET IMPROVEMENTS 36TH AVE. SECTIONS
- 420 - STREET IMPROVEMENTS - 36TH AVE. SECTIONS
- 421 - STREET IMPROVEMENTS - 36TH AVE. SECTIONS
- 501 - DOMESTIC WATER IMPROVEMENTS A DRIVE
- 502 - DOMESTIC WATER IMPROVEMENTS 32ND AVE
- 503 - DOMESTIC WATER IMPROVEMENTS 36TH AVE
- 504 - DOMESTIC WATER IMPROVEMENTS 36TH AVE

ABBREVIATIONS

A.C.	ASPHALTIC CONCRETE	L.P.	LIGHT POLE
ACMP	ALUMINIZED CMP	M	METER, MAIN
ASSY.	ASSEMBLY	M.H.	MANHOLE
B.O.	BLOW OFF	MTL.	METAL
B.F.V.	BUTTERFLY VALVE	O.H.	OVERHEAD
C & G	CURB & GUTTER	PC	POINT OF CURVE
CATV	CABLE TELEVISION	PCC	POINT OF CONTINUING CURVE
C.B.	CATCH BASIN	PED.	PEDESTAL
C.B.C.O.	CATCH BASIN CLEANOUT	PRC	POINT OF REVERSE CURVE
C.B.I.	CATCH BASIN INLET	PROP.	PROPOSED
C.L.	CENTERLINE	PT	POINT OF TANGENCY
CMP	CORRUGATED METAL PIPE	PUB.	PUBLIC
C.O.	CLEANOUT	PUE	PUBLIC UTILITY EASMT.
CONC.	CONCRETE	PVC	POLYVINYL CHLORIDE
CONST.	CONSTRUCT	PVT.	PRIVATE
D.I.	DUCTILE IRON	P.P.	POWER POLE
DIA.	DIAMETER	P.L.	PROPERTY LINE
DWG.	DRAWING	R	RADIUS
EASMT.	EASEMENT	R	RIM
E.G.	EXIST. GRADE / GROUND	RD	ROAD
EOP, E.P.	EDGE OF PAVEMENT	R.O.W.	RIGHT-OF-WAY
ELEC.	ELECTRIC	SAN.S. or S.S.	SANITARY SEWER
ELEV. or EL.	ELEVATION	S	SLOPE
EX. or EXIST.	EXISTING	STA.	STATION
FT.	FEET	STD.	STANDARD
F.F.	FINISH FLOOR	STL.	STEEL
F.G.	FINISH GRADE	STM.DRN. or S.D.	STORM DRAIN
F.H.	FIRE HYDRANT	SVC.	SERVICE
F.M.	FORCE MAIN	SW	SIDEWALK
GUT. or GTR.	GUTTER	T.C.	TOP OF CURB
G.V.	GATE VALVE	TEL.	TELEPHONE
IMP.	IMPROVEMENT	TYP.	TYPICAL
INST.	INSERT	U.G.	UNDERGROUND
INV. or I-	INVERT	VL.	VAULT
L	LENGTH, LINE	W.M.	WATER MAIN

SYMBOLS

	BLOW OFF ASSY.		MANHOLE SAN. SEWER
	CATCH BASIN		MANHOLE STORM DRAIN
	CATCH BASIN CLEANOUT		2' DIA. C.O. / M.H.
	CATCH BASIN INLET		MANHOLE TELEPHONE
	CATV PED. / BOX		MANHOLE WATER
	CLEANOUT		REDUCER / INCREASER
	ELEC. PED. / BOX		TEL. PED. / BOX
	FIRE HYDRANT		TRAFFIC PED. / BOX
	GAS LOCATION MARKER		UTILITY / POWER POLE
	GAS VALVE		WATER METER
	MAIL BOX		WATER VALVE
	CABLE TELEVISION		SANITARY SEWER EXIST.
	CENTERLINE		SANITARY SEWER PROP.
	DITCH C.L.		STORM DRAIN EXIST.
	ELECTRICAL LINE		STORM DRAIN PROP.
	GAS MAIN		WATER MAIN EXIST.
	TELEPHONE LINE		WATER MAIN PROP.

MULTI/TECH
ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OR. 97302
PH. (503) 363-9227 FAX (503) 364-1260
www.mtengineering.net office@mtengineering.net

COVER SHEET

BOONE ROAD INDUSTRIAL SUBDIVISION

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: M.D.G.
Drawn: C.D.S.
Checked: M.D.G.
Date: AS SHOWN
Scale: AS SHOWN
As-Built: _____

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 18, 1978
MARK D. GRANT

EXPIRES: 06-30-2023
JOB # 6754

100



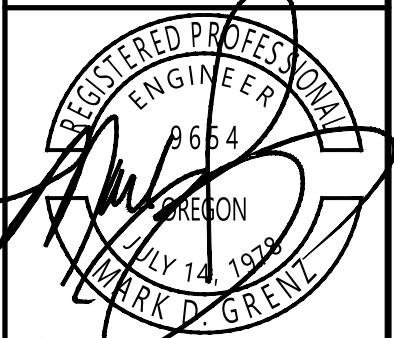
MULTI/TECH
 ENGINEERING SERVICES, INC.
 11515 S.W. 10th Street, Suite 200
 Portland, Oregon 97219
 Phone: (503) 943-9225 Fax: (503) 364-1260
 www.mtengineering.net office@mtengineering.net

EXISTING CONDITIONS

BOONE ROAD INDUSTRIAL SUBDIVISION

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

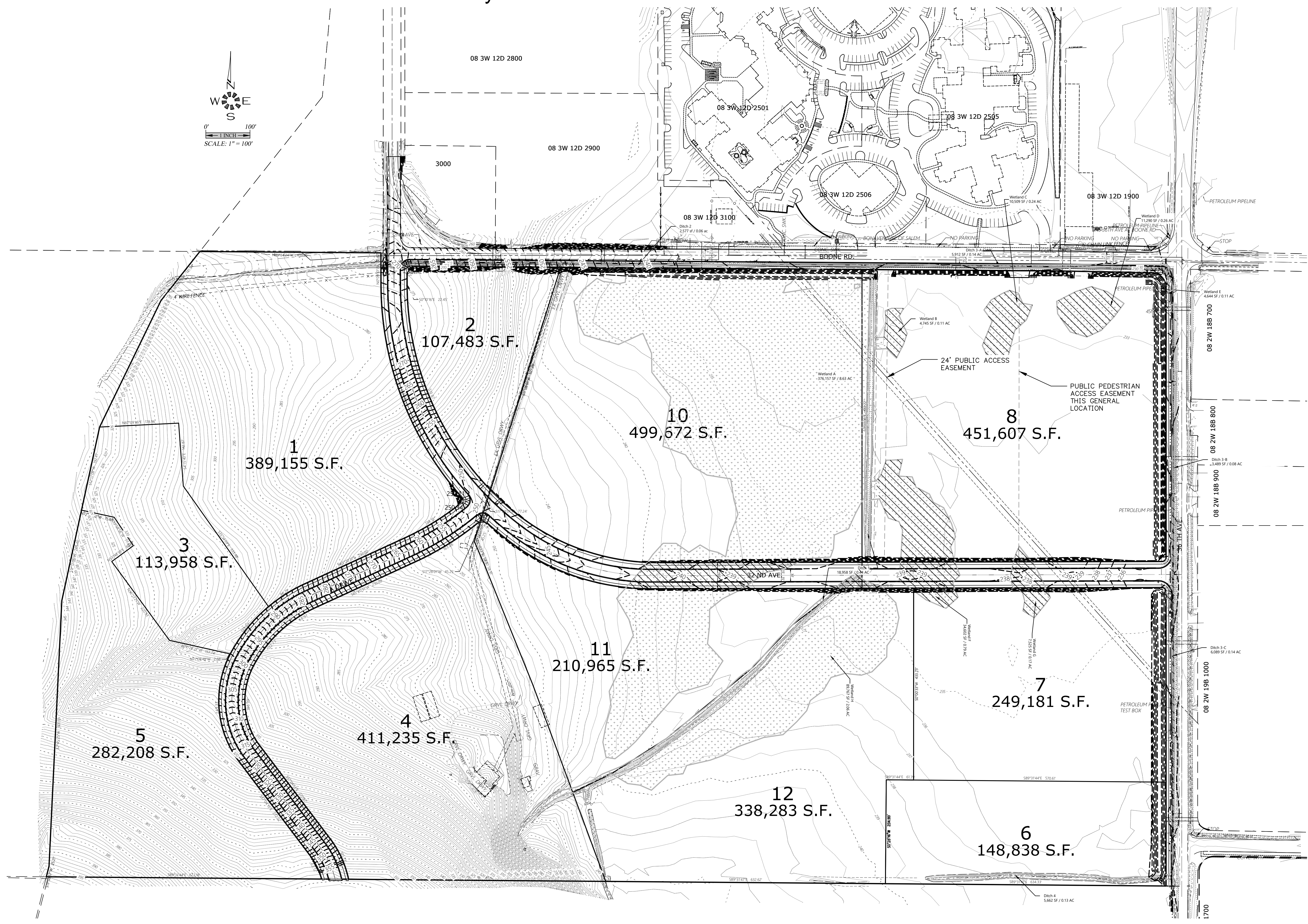
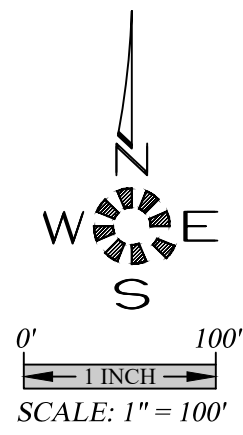
6754-100V 01-A-0000
 Design: M.D.G.
 Drawn: C.D.S.
 Checked: M.D.G.
 Date: _____
 Scale: AS SHOWN
 As-Built: _____



EXPIRES: 06-30-2023
 JOB # 6754

I:\700-6799\6754-crowpoint\hds\dem\Draw_020\Production Drawings\6754-100V.dwg, 10/11/2022, 2:28:35 PM, C.d.s.

BRIP Subdivision - Exhibit 60a Revised Preliminary Subdivision Plat



OVERALL SITE PLAN

BOONE ROAD INDUSTRIAL SUBDIVISION

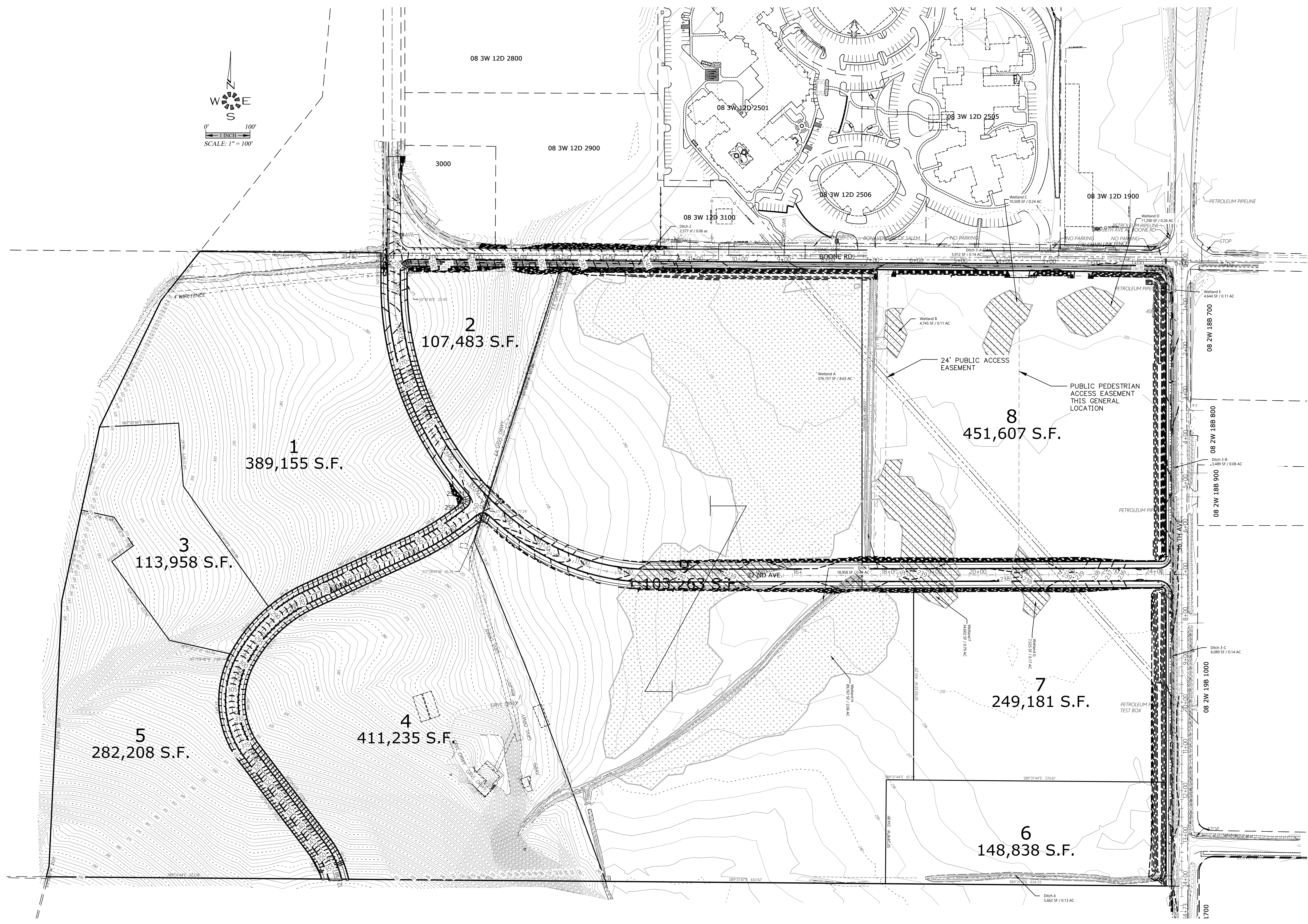
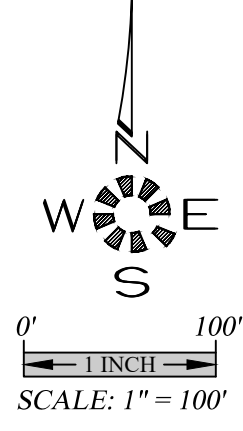
NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

6754-100V 103-01684ALL
 Design: M.D.G.
 Drawn: C.D.S.
 Checked: M.D.G.
 Date: _____
 Scale: AS SHOWN
 As-Built: _____



EXPIRES: 06-30-2023
 JOB # 6754

P:\1700-6754-000\msh\subdiv\Draw_620\Production Drawings\6754-100V.dwg 102-01684ALL 3/4/2022 8:53:21 AM C:\GIS



PHASE 1 LOTS

BOONE ROAD INDUSTRIAL SUBDIVISION

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER TAKE GRAPHICAL REPRESENTATION.

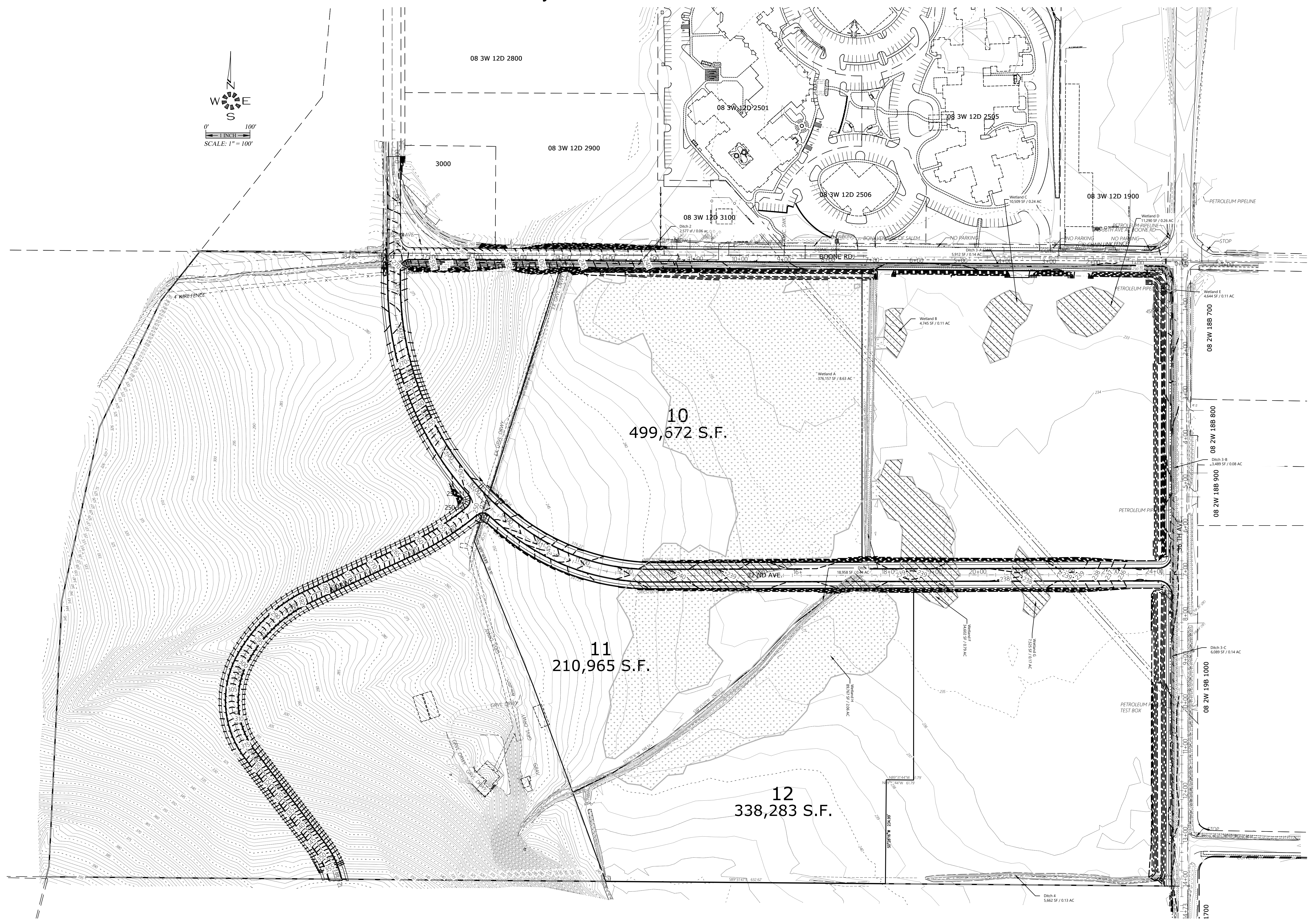
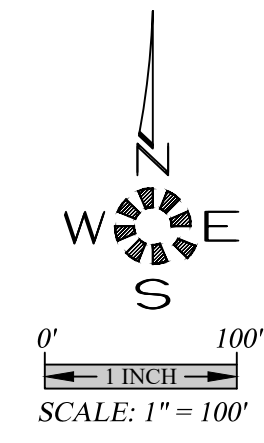
6754-1000 103-PHASE 1
 Design: M.D.G.
 Drawn: C.D.S.
 Checked: M.D.G.
 Date: _____
 Scale: AS SHOWN
 As-Built: _____



EXPIRES: 06-30-2023
 JOB # 6754

J:\1700-6754-6754-crowpoint\hudson\Draw_v20\Production Drawings\6754-103-PHASE 1 - 3/17/2022 8:53:32 AM .DWG

BRIP Subdivision Phase II Exhibit 60c Revised Preliminary Subdivision Plat



PHASE 2 LOTS

BOONE ROAD INDUSTRIAL SUBDIVISION

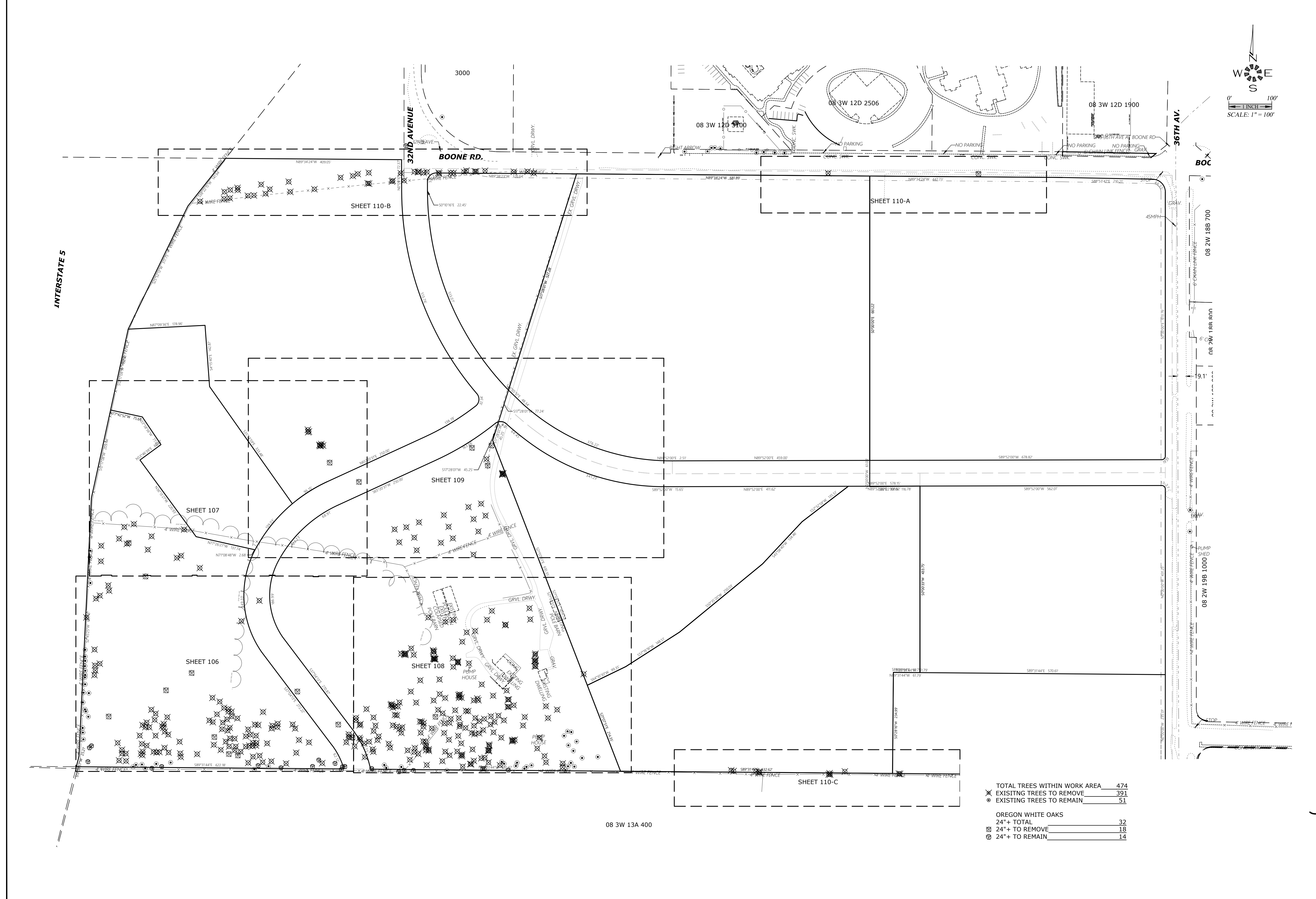
NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

6754-1000 104-PHASE 2
 Design: M.D.G.
 Drawn: C.D.S.
 Checked: M.D.G.
 Date: _____
 Scale: AS SHOWN
 As-Built: _____



EXPIRES: 06-30-2023
 JOB # 6754

I:\700-6799\6754-crowpoint\hds\104-Phase 2_3\7\2022_8\5:39 AM_105.dwg
 104-Phase 2_3\7\2022_8\5:39 AM_105.dwg
 104-Phase 2_3\7\2022_8\5:39 AM_105.dwg



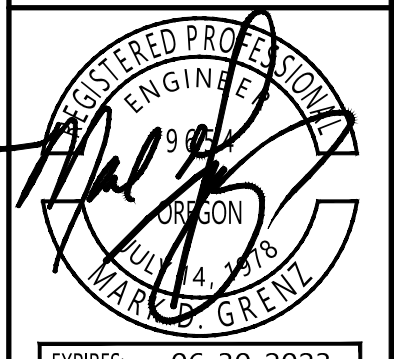
TOTAL TREES WITHIN WORK AREA	474
EXISTING TREES TO REMOVE	391
EXISTING TREES TO REMAIN	51
OREGON WHITE OAKS	
24"+ TOTAL	32
24"+ TO REMOVE	18
24"+ TO REMAIN	14

TREE PLAN OVERALL

BOONE ROAD INDUSTRIAL SUBDIVISION

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

6754-1000 105-ORIGINAL
Design: M.D.G.
Drawn: C.D.S.
Checked: M.D.G.
Date: ---
Scale: AS SHOWN
As-Built: ---



EXPIRES: 06-30-2023
JOB # 6754

J:\1700-6799\6754-crowpoint\houston\Draw-620\Production Drawings\6754-105.dwg, 105- OVERALL TREE, 1/19/2022 2:28:37 PM, C:gil

MWSH BOONE ROAD PROPERTY LLC

Salem, Oregon

A Land Use Application for:
Boone Road Industrial Park Subdivision

Type II Process
Subdivision Tentative Plan – SRC 205.010(d)
Phased Subdivision Tentative Plan – SRC 205.015(d)

Applicant:
MWSH Boone Road Property LLC

Submitted:
January 21, 2022

Prepared by:
MWSH Boone Road Property LLC

Applicant & Property Owner

MWSH Boone Road Property LLC

3425 Boone Road SE
Salem, OR 97317
Contact: Mark D. Lowen
503-480-3151 - o
503-586-4104 – c
MLowen@liveBSL.com

Contact: John Eld
503-373-3161 - o
jeld@liveBSL.com

Civil Engineering

Multi/Tech Engineering Services, Inc.

1155 SE 13th Street
Salem, Oregon 97302
Contact: Mark Grenz
503-363-9227
mgrenz@mtengineering.net

Tax Lot Information:

Tax Map: 083W13A-00100 / 083W13A-00200 / 083W13A-0300

Lot Area:

79.07 acres

Current Zoning District:

IC (Industrial Commercial)

Current Comprehensive Plan Designation

IC (Industrial Commercial)

Attachments :

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

(51) Ownership Vérification :

Vesting Deed – MWSH Boone Road Property LLC

LLC Operating Agreement – MWSH Boone Road Property LLC

(53) Title Report

(54) Application Narrative

(56) Subdivision name approval – (Pending)

(57) Neighborhood Association Contact - SEMCA

(60-60a) Preliminary Subdivision Plat / Cover Sheet

(61) Existing Conditions Map

(62a-d) Domestic Water Plans

(65a-f) Tree Plans

(66a-b) Subdivision Phase Plans

(67a-h) Sanitary Sewer Plans

(68a-r) Storm Drain Plans

(69a-u) Street Improvement Plans

(71) TIA

(73) – Stormwater Report – (Pending)

(74) Geotechnical Report

(75a-b) Wetlands Report / Concurrence

PROPOSAL:

The applicant is proposing a phased subdivision project in order to subdivide 79.07 acres creating 11 individual lots, ranging from 2.47 acres to 11.47 acres in size.

SITE VICINITY and CHARACTERISTICS:

The subject property 79.07 acres consisting of 3 parcels identified as Marion County Tax Parcels 083W13A-00100, 083W13A-00200 and 083W13A-00300. The proposed subdivision will access 36th Avenue SE, (minor arterial) on the east boundary. Boone Road SE, (local street) along the northern boundary of the proposed subdivision. Additionally, 32nd Avenue SE will be extended from its current southerly terminus where it meets Boone Road. The extension will continue south approximately 520 feet and then curve to the east connecting to 36th Avenue approximately 660 feet south of the existing intersection of Boone Road and 36th Avenue. “A” Street will be constructed to provide access to the southwest corner of the property, along with providing connectivity for the property to the south. A majority of the site’s topography is flat before raising in elevation along the westerly and southerly portions of the parcel. The site is bordered on north by Boone Road SE, along the east by 36th Avenue SE, along the south by an undeveloped parcel and the west by Interstate 5.

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

The surrounding properties are zoned and used as follows:

North: IG (General Industrial), RA (Residential Agriculture) and CO (Commercial Office)

East: Outside the city limits: UT-10 (Urban Transition) & IG-LU (Industrial General – Limited Use) Marion County zoning designations.

South: RA (Residential Agriculture), currently included in the “Our Salem” Project for rezoning to IC (Industrial Commercial)

West: Bordered by the I-5 right of way – the opposite side if Interstate 5 has RS, RM I and MR II zoning designations

Current Development

Street and utility infrastructure for the entire site are currently under review for permitting.

Proposed lots 1 & 2 are pending site grading and construction permits.

Proposed lots 3, 4 & 5 are currently under conditional use and design review with the planning department (21-121613-ZO / 21-121615-DR)

Proposed lots 6, 7 & 8 are currently under site plan review with the planning department (21-121614-RP)

CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 205.010(d)(1):

The intent of the subdivision code is providing for orderly development through the application of appropriate rules and regulations. Pursuant to the application of the current enabling statutes, these regulations are those cited in UDC 205.010(d) and UDC 205.015(d). The decision criteria for subdivisions without a concurrent variance under UDC 205.010(d) and UDC 205.015(d) must be found to exist before an affirmative decision may be made for a subdivision application.

(1) The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:

Findings:

The Salem Revised Code (SRC), which includes the Salem Zoning Code, implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with city standards and requirements contained in the Subdivision Code, Zoning Code, Salem TSP and the Water, Sewer and Storm Drain System Master Plans, and adopted design documents applicable to residential development. The proposed meets all applicable provisions of the Salem Revised Code.

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines are met per Sec. 551-2 of the Salem Revised Development Code.

Findings:

Minimum Lot Area and Dimensions:

The subject property is about 79.07 acres in size and zoned IC (Industrial Commercial) The applicant is proposing to divide the 79.07-acre subject property into 11 lots in two (2) phases.

Lots sizes vary in size from – 2.47 Acres / 107,483 sq. ft. to 11.47 acres / 499,572 sq. ft.

As shown on the site plan, all 11 lots meet the lot size and dimension requirements within the IC zone and lot dimension standards with all proposed lots exceeding the minimum frontage of 16 feet as required under Chapter 551.010 of the UDC. The proposed lots range in size from 107,483 square feet to 499,572 square feet in size.

Additional reviews occur at the time of building permits to assure compliance with the zoning code. Compliance with conditions of approval to satisfy the subdivision ordinance is also checked prior to city staff signing the final subdivision plat.

The proposal can conform to applicable conditions imposed as necessary to ensure that development conforms to the standards of the subdivision code and with existing development and public facilities. The proposed subdivision is in compliance with lot standard requirements and required access.

Therefore, this criteria has been met.

(B) City infrastructure standards.

Findings:

This submission includes final designs for water, sewer, storm drainage. Final design plans have been submitted to the Public Works Department for construction plan approval and permitting at this time. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer, and fire/life/safety services.

Therefore, this criteria has been met.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Findings:

Wetlands, Waterways and Floodplains are located on the subject property: The Wetlands Determination and Oregon Department of State Lands concurrence - WD 2020-0467 (December 30, 2020) were taken into account with the design of the proposed subdivision. Currently the applicant is working with US Army Corps of Engineers and Oregon Department of State Lands to mitigate wetlands associated with the development of Lots 6, 7 and 8, as well as to allow for the extension of 32nd Ave. Wetlands mitigation permits: US Army Corps of Engineers NWP 202-443 & ODSL No. 63108 RF. There are currently no applications to impact the wetlands or waterways located on Lots 10, 11 and 12, other than to allow for the extension of 32nd as previously discussed.

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

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

This criteria has been met.

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

Findings:

The proposal is for the entire subject property and will be developed into 11 industrial commercial lots along with the necessary infrastructure. All proposed lots have vehicle and pedestrian access via the proposed roadway network.

Pedestrian walkways connecting the site to surrounding properties and future development are include in the site design. All surrounding properties have direct access onto the existing street system. Pedestrian connectivity to the undeveloped parcel abutting the south of the proposed subdivision will be accommodated from “A” Street SE. The property to the south has many site constraints including significant topography and jurisdictional wetlands that will impede its ability to develop. By providing the extension of “A” Street, we are allowing for a through connection to Serenity Dr. SE, the only existing stub further south. Due to the topography and jurisdictional wetlands on both our property and the property to the south, making another connection is just not possible. However, this will not inhibit the property from the South from being able to develop, it will still be able to take access from “A” Street to the north, Serenity Dr. SE to the South and 36th to the East. This will provide a minimum of 3 points of access for vehicular, emergency, and pedestrian traffic.

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

Therefore, this criteria has been met.

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

Findings:

Water, sewer, storm drainage have been submitted to the Public Works Department for construction plan approval and permitting as a part of developing proposed Lots 1 and 2, Phase I of the multifamily development. The applicant has initiated all necessary permitting for this phase and is requesting that building permits be allowed to be issued prior to the final platting of the subdivision.

The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer, and fire/life/safety services.

(See exhibits 62, 67 & 68)

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

Therefore, this criterion has been satisfied.

Proposed Stormwater Management System:

Findings:

Stormwater quality and quantity are required for this development. An LID (low impact development) Stormwater technique will be used to mitigate the increase in pollutants contributed from development. This system may also be used to provide storage and water quantity control. A tract location for storm water quality is included in the tentative site plan. The exact system will be determined at the time of design for each parcel. Any proposed technique will meet City of Salem Stormwater Management standards in means and methods to provide all aspects of Stormwater management.

(See exhibit 73 Stormwater Report- pending)

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

Findings:

The major street system is in place due to prior development. Boone Road SE is located on the northerly boundary of the proposed subdivision and 36th Avenue SE is located on its easterly boundary. These streets will provide primary access into the development. 36th Avenue is designated as a 'minor arterial street' and Boone Road is designated as a local street on the Salem Transportation System Plan

Transportation System Plan.

The proposed subdivision will access 36th Avenue SE, (minor arterial) on the east boundary. Boone Road SE, (local street) along the northern boundary of the proposed subdivision. Additionally, 32nd Avenue SE will be extended from its current southerly terminus where it meets Boone Road. The extension will continue south approximately 520 feet and then curve to the east connecting to 36th Avenue approximately 660 feet south of the existing intersection of Boone Road and 36th Avenue. "A" Street will be constructed to provide access to lots 1, 3, 4 & 5 in the southwest section of the subdivision, along with providing connectivity for the property to the south.

The existing and proposed street systems conform to the City's Transportation Plan which indicates no additional streets running through the subject property. All street design and improvements will be determined through the subdivision review process and regulated through the Conditions of Approval. The proposed internal streets will be designed to city street standards. Therefore, meeting the requirements of a subdivision.

The major street network in the area has been established and is consistent with the Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that may be required because of this subdivision.

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

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

Transportation Planning Rule Review:

The City of Salem's TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed subdivision is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015 and has therefore been reviewed for consistency with the State's TPR multi-modal connectivity requirements.

Each lot in the proposed development will provide bicycle and pedestrian facilities on-site as per the standards for each site use, to encourage people to walk and ride to reduce vehicle trips. The development on the property will encourage reduced vehicle usage, by the convenience of bicycle and pedestrian paths to and from the surrounding uses and existing roadway and sidewalk system. Due to the types of uses that the IC (Industrial Commercial) zoning designation accommodates, additional care and consideration must be applied to provide for the protection of pedestrian and bicycle uses from trucking, shipping and other industrial activities. Therefore bicycle and pedestrian connectivity is concentrated along the public sidewalks and roadways. Providing safe and convenient access and connectivity without the need to enter or interact with industrial/commercial sites.

Therefore, the proposed subdivision is in compliance with the intent of the TPR to reduce vehicle usage and encourage other modes of transportation to and from the site.

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

Findings:

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

The proposed subdivision will access 36th Avenue SE, (minor arterial) on the east boundary. Boone Road SE, (local street) along the northern boundary of the proposed subdivision. Additionally, 32nd Avenue SE will be extended from its current southerly terminus where it meets Boone Road. The extension will continue south approximately 520 feet and then curve to the east connecting to 36th Avenue approximately 660 feet south of the existing intersection of Boone Road and 36th Avenue. "A" Street will be constructed for access to lots 1, 3, 4 and 5. (See Exhibit 60 Subdivision Plat). "A" street will also provide connectivity for the property to the south. Construction of the 32nd Avenue extension, "A" Street, frontage improvements for 36th Avenue and frontage improvements for Boone Road; along lots 2 and 8 are anticipated to start Summer 2022 to accommodate phase I of the McKenzie Heights apartments development, occupying lots 1 and 2 of this proposed subdivision. The only roadway improvements not anticipated for construction at this time are those on Boone Road SE adjacent to Lot 10. They will be constructed in conjunction with Lot 10 if/when it is developed. The current

wetland mitigation applications do not include any provisions for improvements on Lot 10's Boone Rd. frontage. Any improvements along that frontage would have an impact on jurisdictional wetlands and waterways requiring a permit.

Vehicle, pedestrian, and bicycle connectivity will be accommodated on each lot via private drives, sidewalks, and bike pathways. Allowing for multi-modal connectivity between each site and the surrounding development. Due to the types of uses that the IC (Industrial Commercial) zoning designation accommodates, additional care and consideration must be applied to provide for the protection of pedestrian and bicycle uses from trucking, shipping and other industrial activities. Therefore bicycle and pedestrian connectivity is concentrated along the public sidewalks and roadways. Providing safe and convenient access and connectivity without the need to enter or interact with industrial/commercial sites.

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

Site Design / Traffic Connectivity

Sec. 803.030. Street spacing.

(a)

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

Findings:

The applicant reviewed Attachment F from the previously approved Partition Plat (PAR 19-12) and took into consideration at the time of design layout for this along with the other applications currently in with the city. However, due to existing physical conditions on the property, including jurisdictional waterways, extensive wetlands and significant topography, the proposed 600' block length configuration as outlined in Attachment F of PAR19-12 is not possible. Additionally, this proposed IC development will consist of individual lots varying from 2.47 acres to 11.47 acres in size to accommodate uses and development conducive with the Industrial Commercial land use designation. Therefore, adjustments to the 600' block standard are being requested per SRC Sec. 803.030.b.1 and Sec. 803.030.b.4.

To accommodate and compensate for the jurisdictional waterways, extensive wetlands and significant topography that impact this proposed subdivision, while providing for the most efficient and appropriate traffic and pedestrian access and circulation for the

proposed multi-family, IC Flex and Self-Storage developments the applicant proposes the following preliminary plat design:

(See Exhibit 60 Preliminary Subdivision Plat)

First, we will look at the second proposed east-west street connection that would align with Kashmir and why this is not a viable option. Extending Kashmir westerly would render all of the area between the ROW and the property line undevelopable. Because of the 30' required setback, as well as the jurisdictional waterway along the southern property line, we would be left with a strip of land that would not be useable. Not only would the jurisdictional waterways render the lot undevelopable, but it would also limit your ability to provide a connection to the property to the south. As we continue to look westward any east west street would have to cross another jurisdictional waterway between lots 4 and 12. Beyond that, the steep topography of lot 4 makes it impossible to design a road that would meet City standards. Our engineers have carefully analyzed the site and the only viable option to climb the current topography, while also providing a connection to the property to the south is the route that is shown on our preliminary plat.

The topography of the proposed lots 1 - 5 precludes the practical development with typical uses allowed for within the IC (Industrial Commercial) zoning designation. Therefore, this portion of the subdivision is being developed as multi-family residential.

The multi-family development for lots 1 & 2 (McKenzie height Phase I) has completed land use approval (20-116272-RP / 20-116285-DR) and construction permits will be submitted shortly. This phase will continue to move forward independently from the approvals and completion of this proposed subdivision. Applicant requests the ability to pull permits prior to final platting of this proposed subdivision.

McKenzie Heights Phase I - Lot 1, (8.93 acres), and Lot 2, (2.47 acres) will be developed as a multi-family development. Each multi-family parcel will have internal drive isles and pedestrian accessways to service the site and accommodate the topographical challenges, Lot 1 will have four driveway access points, two entering 32nd Avenue and two entering "A" Street, providing connections to Boone Road SE and 36th Avenue NE. Lot 2 will have a single access drive on to 32nd Avenue.

McKenzie Heights Phase II - Lots 3, 4 and 5 make up the final part of the multifamily development for this subdivision. Each of these development lots are serviced with an

internal drive isles and pedestrian pathways that access the public roadways and pedestrian accessways.

Lot 3, (2.61 acres) / 60 apartment units, will have one access drive onto “A” Street and will tie into Phase I of the development, allowing for access to 32nd Avenue.

Lot 4, (9.38 acres) / 150 apartment units, will access “A” Street from two access drives.

Lot 5, (6.48 acres) will be developed exclusively with 62 townhome units, taking three access drives onto “A” Street. Along with connectivity through lots 1 and 3 allowing for access onto 32nd Avenue SE.

This proposed three (3) lot multi-family phase is currently under Design Review (21-121615-DR).

Note: As referenced above, the applicant has initiated the design review process for lots 3, 4 & 5. Applicant requests the ability to pull permits prior to final platting of this proposed subdivision.

Second, we will look at the additionally proposed north-south connections within proposed lots 6, 7, 8, 10, 11 & 12. Site and circulation design within the IC (Industrial Commercial) zoning designation is most typically designed using larger lots, which requires longer block lengths. A 600’ block length standard is not a practical application for conditional and standard approved uses within the IC zoning designation. This can be seen within existing industrial developments throughout Salem as listed below:

Salem Industrial Park – Salem Industrial Drive – Marietta Street to Madrona Ave

Mill Creek Industrial Park – Turner Rd, Aumsville Hwy & Kuebler Blvd.

McGilchrist IC Zone – McGilchrist St. to Fairview St. 13th St SE to Rural St

A 600’ block length is practical and encouraged when it is located in a residential or even commercial zones. This is due to the high level of pedestrian and bike activity in these areas. Shorter blocks encourage these forms of transportation, instead of requiring vehicular traffic. However, due to the types of uses that the IC (Industrial Commercial) zoning designation accommodates, additional care and consideration must be applied to provide for the protection of pedestrian and bicycle uses from trucking,

shipping and other industrial activities. Therefore, bicycle and pedestrian connectivity is concentrated along the public sidewalks and roadways. This will provide for safe and convenient access and connectivity without the need to enter or interact with industrial/commercial sites.

Unlike lots 1-5, the topography of Lots 6-12 within this subdivision is generally flat with little topographical features to inhibit the industrial and commercial uses typical to the IC (Industrial Commercial) zoning designation. The major challenge in this area is the jurisdictional waterways and wetlands. Currently the applicant is working with US Army Corps of Engineers and Oregon Department of State Lands to mitigate wetlands associated with the development of Lots 6, 7 and 8 (Currently under pending Site Plan Review 21-121614-RP), as well as to allow for the extension of 32nd Ave. Wetlands mitigation permits: US Army Corps of Engineers NWP 202-443 & ODSL No. 63108 RF. There are currently no applications to impact the wetlands or waterways located on Lots 10, 11 and 12, other than to allow for the extension of 32nd as previously discussed. Lot 6, (3.42 acres), is proposed to develop as Self Storage with a single driveway access onto 36th Avenue that will align with Kashmir Drive SE, with internal driveway circulation and parking to accommodate this use. Lot 6 will also be able to take emergency access through Lot 7. Making any additional connection to the south would not be possible because of the jurisdictional waterway that is along the southern property line. Currently Pending design review (21-121614-RP).

Lot 7, (5.72 acres), is proposed to be developed for Flex Use – Industrial Commercial allowing for industrial, commercial, office and other similar and supporting uses. This site will have two points of access onto 32nd Avenue SE to accommodate the internal drive isles, pedestrian accessways and parking for multiple buildings on this site. Additionally emergency access will be provided to accommodate lot 6 abutting the to the south of this parcel. Currently Pending design review (21-121614-RP).

Lot 8, (10.37 acres), is proposed to be developed as Flex Use – Industrial Commercial allowing for industrial, commercial, office and other similar and supporting uses. This site will have two points of access onto 32nd Avenue SE and 2 points of access onto Boone Road SE accommodating the internal drive isles, pedestrian accessways and parking for multiple buildings on this site. The site design allows for two private drive isles that provide the same vehicular and pedestrian connectivity as would be provided by public streets. Currently Pending design review (21-121614-RP).

Note: As referenced above, the applicant has initiated the site plan review process for proposed lots 6, 7 and 8. Applicant requests the ability to pull permits prior to final platting of this proposed subdivision.

Lot 10, (11.47 acres), is primarily wetlands, with jurisdictional waterways its north and east property lines. There are no specific design or development plans currently proposed for this lot. Due to these factors, roadway improvements are not anticipated for construction at this time along Boone Road SE adjacent to Lot 10. They will be constructed in conjunction with Lot 10 if/when it is developed. The current wetland mitigation applications do not include any provisions for improvements on Lot 10's Boone Rd. frontage. Any improvements along that frontage would have an impact on jurisdictional wetlands and waterways and require a permit. Any North / South roadway connections from Boone Road SE to the 32nd Ave extension cannot be accommodated because of the existing wetland and waterways on this site. The construction of 32nd Avenue SE would allow for lot 10 to have access along its whole southern property line and it would also be able to take connection off of Boone Rd, along its whole northern property line. Any future development of Lot 10 will have to be consistent with DLS and Army Corps requirements. No mitigation for wetlands on this lot have been proposed at this time other than for the improvement of the 32nd Avenue SE right of way.

Lots 11, (4.92 acres), there are no specific design or development plans currently proposed for this lot. Substantial jurisdictional wetlands impact lot 11 as well as a jurisdictional waterway that bisects lots 11 and 12 limiting its access and use in the area to 32nd Avenue SE. Any proposed southerly roadway connections from 32nd Avenue SE would have to cross multiple wetlands and a jurisdictional waterway and require a permit. No mitigation for wetlands on this lot have been proposed at this time other than for the improvement of the 32nd Avenue SE right of way.

Lot 12, (7.75 acres), there are no specific design or development plans currently proposed for this lot. Again, substantial jurisdictional wetlands impact lot 12 and the jurisdictional waterway that bisects lots 11 and 12. The existing jurisdictional wetlands and the jurisdictional waterway limits access to lot 12 to narrow access on 32nd Avenue SE at the easterly corner of this lot. Again, any southerly roadway connections from 32nd Avenue SE would have to cross wetlands and require a permit. No mitigation for wetlands on this lot have been proposed at this time other than for the improvement of the 32nd Avenue SE right of way.

As shown on the tentative site plan, the proposed subdivision provides a safe and efficient circulation pattern throughout the development for vehicles and pedestrians.

Access to from and within, the development must be consistent with applicable requirements of the Transportation Planning Rule Requirements (TPR) that requires that development provide connectivity between land uses and transportation. Under the Rule, developments are responsible for providing for the safe and efficient circulation of vehicles, bicycles, and pedestrians into, through, and out of a development. The proposed development will provide vehicle, bicycle and pedestrian via a combination of public streets, and pedestrian pathways as well as interconnecting driveway and walk / bikeways between the individual development lots within this Industrial Commercial development. These facilities will connect to the transportation system in the surrounding area. Due to the types of uses that the IC (Industrial Commercial) zoning designation accommodates, additional care and consideration must be applied to provide for the protection of pedestrian and bicycle uses from trucking, shipping, and other industrial activities. Therefore bicycle and pedestrian connectivity is concentrated along the public sidewalks and roadways. Providing safe and convenient access and connectivity without the need to enter or interact with industrial / commercial sites.

The Public Works Department will address the level of street improvements that are roughly proportional to assure conformance to the development to subdivision code and applicable transportation system plan requirements. Completion of conditions of approval prior to the signing of the final plat will satisfy this criterion for the subdivision application.

The proposed street plan provides the best economic, safe, and efficient circulation of traffic possible under the circumstances. The proposed subdivision site plan demonstrates this review criterion can be met.

Therefore, this criterion has been satisfied.

(6) The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent 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 subdivision is served with adequate transportation infrastructure and the street system adjacent the property conforms to the Transportation System Plan and provides for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property on to the public street system.

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

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

Street Connections:

East:	36 th Avenue
North:	Boone Road
East / West:	32 nd Avenue
South:	“A” Street (Future connection)

Pedestrian sidewalks along all public roads, additional drive and pedestrian access and connections will be provided internally within individual development sites. Due to the types of uses that the IC (Industrial Commercial) zoning designation accommodates, additional care and consideration must be applied to provide for the protection of pedestrian and bicycle uses from trucking, shipping, and other industrial activities. Therefore bicycle and pedestrian connectivity is concentrated along the public sidewalks and roadways. Providing safe and convenient access and connectivity without the need to enter or interact with industrial / commercial sites.

Therefore, the local streets and sidewalks provide safe and convenient bicycle and pedestrian / multi-modal access throughout the site and adjacent areas.

Therefore, this criteria has been met.

(7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

Findings:

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

Therefore, this criterion will be met.

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

Findings:

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

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

Findings:

The subdivision code requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The subdivision plan takes into consideration the topography and vegetation of the site. The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

A majority of the trees within this proposed subdivision are located on the westerly region of the site, Lots 1, 2, 3, 4 & 5 a tree conservation and removal permits will be provided with development for each lot. The layout of the lots takes into consideration the topography and vegetation of the site. All lots are in compliance with the UDC

(See exhibit 65 Tree Plan)

Therefore, this criteria has been met.

10) When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth

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

Findings:

The property and development are located inside the Urban Service Area (USA). The applicants design will accommodate tentative plan and infrastructure design based on the Urban Growth Declaration. (UGA 19-01, May 14, 2019)

Therefore, this criterion will be met.

TREE CONSERVATION/REMOVAL PLAN

Findings:

A majority of the tree within this proposed subdivision are located on the westerly region of the site, lots 1, 2, 3, 4 & 5. A tree conservation and removal plan will be provided with development for each lot.

CRITERIA AND APPLICANT'S REASONS ADDRESSING PHASED SUBDIVISION UDC 205.015(d):

(d) *Approval criteria.* A tentative phased subdivision plan shall be approved if all of the following criteria are met:

(1) The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).

Findings:

The subject property is about 79.07 acres in size and zoned IC (Industrial Commercial). The subject property is located at the 3200 block of Boone Road SE.

The subject property is identified as 083W13A-00100, 083W13A-00200 & 083W13A-00300

The applicant is proposing to divide the subject property into 11 individual lots ranging in size from 2.47 to 11.55 Acres

Proposed Phasing:

Phase 1: Lots 1-9

Phase 2: Lots 10-12

(See Exhibit 66 Subdivision Phasing Plan)

The applicant has addressed in detail how the proposed subdivision meets all the criteria as set forth in SRC 205.010(d) above.

Therefore, this criteria has been met.

(2) Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

Findings:

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

Block Length:

The applicant reviewed Attachment F from the previously approved Partition Plat (PAR 19-12) and took into consideration at the time of design layout for this along with the other applications currently in with the city. However, due to existing physical conditions on the property, including jurisdictional waterways, extensive wetlands and significant topography, the proposed 600' block length configuration as outlined in Attachment F of PAR19-12 is not possible. Additionally, this proposed IC development will consist of individual lots varying from 2.47 acres to 11.47 acres in size to accommodate uses and development conducive with the Industrial Commercial land use designation. Therefore, adjustments to the 600' block standard are being requested per SRC Sec. 803.030.b.1 and Sec. 803.030.b.4.

As shown on the preliminary subdivision plat, the proposed subdivision provides a safe and efficient circulation pattern for vehicles and pedestrians. Access to, within, and from the development must be consistent with applicable requirements of the Transportation Planning Rule Requirements (TPR) that requires that development provide connectivity between land uses and transportation. Under the Rule, developments are responsible for providing for the safe and efficient circulation of vehicles, bicycles, and pedestrians into, through, and out of a development. The proposal develops the subject property where local and arterial streets and mass transit facilities exist. These facilities connect the transportation system to the surrounding area

The proposed phased subdivision will not impede the future development of other phases as shown on the site plan since all public improvements will be made with the

first phase, with the exception of Boone Rd. frontage improvements along lot 10. All phases will have access to the internal street system and the existing street system.

Each phase will ensure the orderly and efficient construction of the required improvements as required by Conditions of Approval and Code compliance. Therefore, this criteria has been met.

(3) Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

Findings:

Each phase is required to provide the needed improvements to accommodate that phase. The first phase of the subdivision will include all public improvements with the exception of Boone Rd. frontage improvements along lot 10. This will ensure that all services are available for the development of each lot upon the completion of Phase 1. Due to the required conditions of approval and City standards both phases will be functionally self-contained and self-sustaining as shown on the site plans.

Therefore, this criteria has been met.

(4) Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

Findings:

The first phase of the subdivision will include all public improvements with the exception of Boone Rd. frontage improvements along lot 10. This will ensure that all services are available for the development of each lot upon the completion of Phase 1.

The public improvements and infrastructure constructed in Phase 1 will allow Phase 2 to construct and connect to the infrastructure independently of Phase 1 without limited development or use of either phase

The applicant will be required to comply with conditions of approval that will be designed to ensure that the phases are developed to support the infrastructure requirements for each phase and the subdivision as a whole. (See Exhibit 66 Subdivision Phase Plan)

Therefore, this criteria has been met.

Block Length Adjustments

(A) The applicant reviewed Attachment F from the previously approved Partition Plat (PAR 19-12) and took into consideration at the time of design layout for this along with the other applications currently in with the city. However, due to existing physical conditions on the property, including jurisdictional waterways, extensive wetlands and significant topography, the proposed 600' block length configuration as outlined in Attachment F of PAR19-12 is not possible. Additionally, this proposed IC development will consist of individual lots varying from 2.47 acres to 11.47 acres in size to accommodate uses and development conducive with the Industrial Commercial land use designation. Therefore, adjustments to the 600' block standard are being requested per SRC Sec. 803.030.b.1 and Sec. 803.030.b.4.

- a. The purpose of this requirement is to help provide safe and efficient vehicle and pedestrian circulation throughout the development. This will be provided by a combination of public streets, pedestrian walkways as well as private drives and pedestrian walkways to and through each individual lot as it develops creating a network of vehicle and pedestrian connectivity. Therefore, the proposed adjustment equally or better meets the standard.

(B) The subject property is zoned IC and is located near similar land uses and zoning designations.

- a. The IC zone allows for this property to be subdivided. The development provides street connections to the east, south and north to help enhance circulation throughout the area. Future roadway and pedestrian pathway access will be designed with in each IC lot as is it developed. Therefore, this proposal will enhance, not detract from circulation and connectivity of both vehicle and pedestrian travel.
- b. The proposal will have little to no impact on the surrounding area.
- c. Any conditions placed on the subdivision will require Code compliance, which will help ensure minimal to no impacts.

(C) The proposed adjustment will not affect surrounding existing or proposed development.

The subdivision is served with adequate transportation infrastructure and the street system adjacent the property conforms to the Transportation System Plan and

provides for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property on to the public street system.

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

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

Street Connections:

East:	36 th Avenue
North:	Boone Road
East / West:	32 nd Avenue
South:	“A” Street (Future connection)

Pedestrian sidewalks along all public roads, additional drive and pedestrian access and connections will be provided internally within individual development sites. The property to the south has many site constraints including significant topography and jurisdictional wetlands that will impede its ability to develop. By providing the extension of “A” Street, we are allowing for a through connection to Serenity Dr. SE, the only existing stub further south. Due to the topography and jurisdictional wetlands on both our property and the property to the south, making another connection is just not possible. However, this will not inhibit the property from the South from being able to develop, it will still be able to take access from “A” Street to the north, Serenity Dr. SE to the South and 36th to the East. This will provide a minimum of 3 points of access for vehicular, emergency and pedestrian traffic.

Due to the types of uses that the IC (Industrial Commercial) zoning designation accommodates, additional care and consideration must be applied to provide for the protection of pedestrian and bicycle uses from trucking, shipping, and other industrial activities. Therefor bicycle and pedestrian connectivity is concentrated along the public sidewalks and roadways. Providing safe and convenient access and connectivity without the need to enter or interact with industrial / commercial sites.

Therefore, this criterion will be met.

As stated previously, portions of this proposed subdivision site are currently at various stages of land use review or site / construction permitting (Each of these processes will proceed independently of this application, approvals and completion of this proposed subdivision). Applicant requests that building permits be allowed to be issued prior to the final platting of the subdivision.

Conclusion:

The applicant requests approval of a Subdivision Tentative Plan (SRC 205.010) and a Phased Subdivision Tentative Plan (SRC 205.015) Type II Review. Providing justification in the form of plans, detailed reports, supporting documents and findings in support of the proposed application. As addressed in this narrative and the supporting plans and documents, this proposal does meet all applicable code provisions. As such, the applicant respectfully requests that the Type II review for Subdivision Tentative plan and Phased Subdivision Tentative Plan be approved as submitted.

MWSH BOONE ROAD PROPERTY LLC

Salem, Oregon

Planning Review Checklist responses for:
Boone Road Industrial Park Subdivision
22-102354-LD

Type II Process
Subdivision Tentative Plan – SRC 205.010(d)
Phased Subdivision Tentative Plan – SRC 205.015(d)

Applicant:
MWSH Boone Road Property LLC

Planning review checklist dated, March 7, 2022

Submitted:
March 22, 2022

Prepared by:
MWSH Boone Road Property LLC

:

An application for a Phased Subdivision Tentative Plan was received on January 25, 2022, for property located at the 3200-3500 Block of Boone Road SE.

On February 18, 2022, staff issued a planning review checklist, staff comments are shown in standard type and applicant responses are in ***italic bold type***. Drawings, documents, and information are being provided to address staff questions and comments. Allowing the above referenced applications to be deemed complete.

The following information is required for staff to deem the applications complete.

Item:

Submittal Requirements, Tentative Plan – Geological Assessment – SRC 205.030(d)

The submitted geotechnical report does not contain the stamps and signatures that are required pursuant to SRC 810.030(b). The application materials shall include a geotechnical report that contains the stamps and signatures of a certified engineering geologist (CEG) and a geotechnical engineer (G.E.). Additionally, the stamp that is on the report expired in 2016.

Response: Please review the Geo Hazard Assessment dated 10/17/2018, (Exhibit 74aREV01).

Item:

Traffic Generation Estimate Form and Traffic Impact Analysis – SRC 205.030(j)(1-2)

The applicant shall provide a TGE form pursuant to SRC 205.030(j)(1).

Response: Please review the TIA dated 3/16/2022, Page 17, Table #9, (Exhibit 71aREV01) and TIA Appendix (Exhibit 71bREV01).

Item:

Subdivision Name Approval – SRC 205.030(j)(3)

Please provide a statement from the County Surveyor approving the name of the subdivision or phased subdivision.

Response: Please review the attached approved Subdivision Name Request dated February 17, 2022, Exhibit 53REV01

Item:

Street Spacing and Connectivity The proposed street spacing does not meet the clear and objective standards in SRC 803.030(a). Discretionary criteria in SRC 803.030(b) can allow for increased distance between streets, and the applicant provided a written statement that includes findings targeted at satisfying SRC 803.030(b). The applicant is advised that the proposed findings do not appear to meet the criteria for increased distance between streets, especially regarding north-south street spacing and connectivity to the southerly adjacent parcel. The applicant is encouraged to coordinate with staff to establish a street configuration that meets the criteria in SRC 803.030 before deeming the application complete.

Response: As a result of the 2/24/22 discussion with city staff the applicant has revised the site plan addressing specific connectivity issues. The applicant proposes to add public vehicle and pedestrian access easements over and across the proposed lot 8 of this subdivision. These proposed easements will provide north, south connections between Boone Road SE and 32nd Avenue SE as a part of Phase I of the Boone Road Industrial Park Subdivision.

See Revised Preliminary Subdivision Plat Exhibit 60a,b & cREV01

Furthermore, the applicant requests that an alternate design standard be approved to address street spacing and other connectivity issues of UDC 803.030(b) and 803.035(a) as follows:

CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 803.030(b) and 803.035(a)

Sec. 803.030. Street spacing.

- (a) Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of way line along one axis, and not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.**
- (b) Street spacing may be increased where one or more of the following exist:**
 - (1) Physical conditions preclude streets meeting the spacing requirements. Physical conditions include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, or a resource protected by state or federal law.**
 - (2) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude streets meeting the spacing requirements, considering the potential for redevelopment.**
 - (3) An existing public street or streets terminating at the boundary of the development site exceed the spacing requirements, or are situated such that the extension of the street or streets into the development site would create a block length exceeding the spacing requirements. In such cases, the block length shall be as close to the spacing requirements as practicable.**
 - (4) Strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network, and the proposed street network will accommodate necessary emergency access.**

Sec. 803.030. Street spacing.

All public and private streets shall be improved as follows:

- (a) **Connectivity. Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:**
- (1) **Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.**
 - (2) **Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or**
 - (3) **The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.**

Proposed Findings:

The applicant reviewed Attachment F from the previously approved Partition Plat (PAR 19-12) and took into consideration at the time of design layout for this along with the other applications currently in with the city. However, due to existing physical conditions on the property described below, the proposed 600' block length configuration as outlined in Attachment F of PAR19-12 is not possible.

Planning Review Checklist Letter, dated December 17, 2021, states: "Because street connectivity is a condition of approval from PAR19-12, alternative street standards alone cannot remove the requirement for street connectivity. A modification of Condition 24 from PAR19-12 would be required, in addition to an alternative street standard request to remove the street connectivity standard from this request. Because removal of the street connection required by PAR19-12 may constitute a substantial change from the original approval, a modification of Condition 24 may not meet the approval criteria outline in SRC 205.070."

Applicant does not seek a modification of a partition application. Applicant requests approval of a subdivision, which by its definition is not consistent with a partition. The requested application shall supersede PAR19-12 upon granting approval. This proposal is consistent with UGA 19-01 Decision, and therefore it is consistent with all applicable decisions of record.

This proposed IC development will consist of individual lots varying from 2.47 acres to 11.47 acres in size to accommodate uses and development conducive with the Industrial Commercial land use designation. Compliance with the street standards is not feasible due to topographical limitations. Therefore, Applicant requests alternative street standards to the 600' block standard per SRC Sec. 803.030.b.1, Sec. 803.030.b.4 and Sec. 803.035(a). The Applicant proposes the following preliminary plat design to accommodate and compensate for the jurisdictional waterways, extensive wetlands and significant topography that impact this proposed subdivision, while providing for the most efficient and appropriate traffic and pedestrian access and circulation for the proposed multi-family, IC Flex and Self-Storage developments:
(See Exhibit 60a,b,cREV1 Preliminary Subdivision Plat)

Multi-family development for lots 1 & 2 (McKenzie Heights Phase I) has completed land use approval (20-116272-RP / 20-116285-DR) and construction permits are currently in review. This phase will continue to move forward independently from the approvals and completion of this proposed subdivision. Applicant requests the ability to pull permits prior to final platting of this proposed subdivision.

McKenzie Heights Phase I - Lot 1, (8.93 acres), and Lot 2, (2.47 acres) will be developed as a multi-family development. Each multi-family parcel will have internal drive isles and pedestrian accessways to service the site and accommodate the topographical challenges, Lot 1 will have three driveway access points, two entering 32nd Avenue and one entering "A" Street, providing connections to Boone Road SE and 36th Avenue NE. Lot 2 will have a single access drive on to 32nd Avenue.

McKenzie Heights Phase II - Lots 3, 4 and 5 make up the final part of the multifamily development for this subdivision. Each of these development lots are serviced with an internal drive isles and pedestrian pathways that access the public roadways and pedestrian accessways.

Lot 3, (2.61 acres) / 60 apartment units, will have one access drive onto "A" Street and will tie into Phase I of the development, allowing for access to 32nd Avenue.

Lot 4, (9.38 acres) / 150 apartment units, will access "A" Street from two access drives.

Lot 5, (6.48 acres) will be developed exclusively with 62 townhome units, taking three access drives onto "A" Street. Along with connectivity through lots 1 and 3 allowing for access onto 32nd Avenue SE.

This proposed three (3) lot multi-family phase is currently under Design Review (21-121615-DR).

The proposed north-south connections within proposed lots 6, 7, 8, 10, 11 & 12 are consistent with IC (Industrial Commercial) zoning and other similar uses. A 600' block length standard is often not the best standard for uses within the IC and similar zoning designations. This can be seen within existing commercial, industrial, and employment center developments throughout Salem: 1) Salem Industrial Park – Salem Industrial Drive – Marietta Street to Madrona Ave; 2) Mill Creek Industrial Park – Turner Rd, Aumsville Hwy & Kuebler Blvd; 3) McGilchrist IC Zone – McGilchrist St. to Fairview St. 13th St SE to Rural St; and 4) Mill Creek Corporate Center. Like

the Subject Property, these sites all designed to serve large lot users and must accommodate onsite or adjacent natural features that prohibit traditional grid connectivity.

A 600' block length is practical and encouraged when it is located in a residential or dense commercial retail or office areas. This is due to the high level of pedestrian and bike activity in these areas. Shorter blocks encourage these forms of transportation, instead of requiring vehicular traffic. However, due to the types of uses that the IC (Industrial Commercial) zoning designation accommodates, additional care and consideration must be applied to provide for the protection of pedestrian and bicycle uses from trucking, shipping, and other industrial activities. Therefore, bicycle and pedestrian connectivity is concentrated along the public sidewalks and roadways. This will provide for safe and convenient access and connectivity without the need to enter or interact with industrial/commercial sites.

Unlike lots 1-5, the topography of Lots 6-12 with is generally flat with little topographical features to inhibit the industrial and commercial uses typical to the IC (Industrial Commercial) zoning designation. The major challenge in this area is the jurisdictional waterways and wetlands. Currently the applicant is working with US Army Corps of Engineers and Oregon Department of State Lands to mitigate wetlands associated with the development of Lots 6, 7 and 8 (Currently under pending Site Plan Review 21-121614-RP), as well as to allow for the extension of 32nd Ave. Wetlands mitigation permits: US Army Corps of Engineers NWP 202-443 & ODSL No. 63108 RF. There are currently no applications to impact the wetlands or waterways located on Lots 10, 11 and 12, other than to allow for the extension of 32nd as previously discussed.

Lot 6, (3.42 acres), is proposed to develop as Self Storage with a single driveway access onto 36th Avenue that will align with Kashmir Drive SE, with internal driveway circulation and parking to accommodate this use. Lot 6 will also be able to take emergency access through Lot 7. Making any additional connection to the south would not be possible because of the jurisdictional waterway along the southern property line of this lot. Currently Pending design review (21-121614-RP).

Lot 7, (5.72 acres), is proposed to be developed for Flex Use – Industrial Commercial allowing for industrial, commercial, office and other similar and supporting uses. This site will have two points of access onto 32nd Avenue SE to accommodate the internal drive isles, pedestrian accessways and parking for multiple buildings on this site. Additionally emergency access will be provided to accommodate lot 6 abutting the to the south of this parcel. Currently Pending design review (21-121614-RP).

Lot 8, (10.37 acres), is proposed to be developed as Flex Use – Industrial Commercial allowing for industrial, commercial, office and other similar and supporting uses. This site will have two points of access onto 32nd Avenue SE and 2 points of access onto Boone Road SE accommodating the internal drive isles, pedestrian accessways and parking for multiple buildings on this site. The site design allows for two private drive isles that provide the same vehicular and pedestrian connectivity as would be provided by public streets. The applicant has agreed to provide a public vehicle easement and a public pedestrian easement. These easements will traverse from Boone Road to 32nd Avenue to provide additional connectivity options See Exhibit 60a,bREV01 Preliminary Subdivision Plat. Currently Pending design review (21-121614-RP).

Lot 10, (11.47 acres), is primarily wetlands, with jurisdictional waterways along its east property line. There are no specific design or development plans currently proposed for this lot. Due to these factors, roadway frontage improvements are not anticipated for this site. The current wetland mitigation applications do not include any provisions for improvements on Lot 10's Boone Rd. frontage. Any improvements along that frontage would have an impact on jurisdictional wetlands and waterways and require wetlands permits. Any North / South roadway connections from Boone Road SE to the 32nd Ave extension cannot be accommodated because of the existing wetland and jurisdictional waterways on this site. The construction of 32nd Avenue SE would allow for lot 10 to have access along its entire southern property line and it would also be able to take connection off of Boone Rd, along its entire northern property line. Any future development of Lot 10 will have to be consistent with DLS and Army Corps requirements. No mitigation for wetlands on this lot have been proposed at this time other than for the improvement of the 32nd Avenue SE right of way.

Lots 11, (4.92 acres), there are no specific design or development plans currently proposed for this lot. Substantial jurisdictional wetlands impact lot 11 as well as a jurisdictional waterway that bisects lots 11 and 12 limiting its access and use in the area to 32nd Avenue SE. Any proposed southerly roadway connections from 32nd Avenue SE would require crossing multiple wetlands and a jurisdictional waterway, requiring DSL and ACE permits. No mitigation for wetlands on this lot have been proposed at this time other than for the improvement of the 32nd Avenue SE right of way.

Lot 12, (7.75 acres), there are no specific design or development plans currently proposed for this lot. Again, substantial wetlands impact lot 12 as well as the jurisdictional waterway that bisects lots 11 and 12. The existing jurisdictional wetlands and waterways limits access to lot 12 to narrow access area on 32nd Avenue SE at the easterly corner of this lot. Again, any southerly roadway connections from 32nd Avenue SE would have to cross wetlands and require the necessary permits. No mitigation for wetlands on this lot have been proposed at this time other than for the improvement of the 32nd Avenue SE right of way.

As shown on the tentative site plan, the proposed subdivision provides a safe and efficient circulation pattern throughout the development for vehicles and pedestrians.

Access to from and within, the development must be consistent with applicable requirements of the Transportation Planning Rule Requirements (TPR) that requires that development provide connectivity between land uses and transportation. Under the Rule, developments are responsible for providing for the safe and efficient circulation of vehicles, bicycles, and pedestrians into, through, and out of a development. The proposed development will provide vehicle, bicycle, and pedestrian connections via a combination of public streets, and pedestrian pathways as well as interconnecting private driveway and walk / bikeways between the individual development lots within this Industrial Commercial development. These facilities will connect to the transportation system in the surrounding area. Due to the types of uses that the IC (Industrial Commercial) zoning designation, additional care and consideration must be applied to provide for the protection of pedestrian and bicycle uses from trucking, shipping, and other industrial activities. Therefore bicycle and pedestrian connectivity is primarily concentrated along the public

sidewalks and roadways. Providing safe and convenient access and connectivity without the need to enter or interact with industrial / commercial sites.

The proposed street plan provides the best economic, safe, and efficient circulation of traffic possible under the circumstances. The proposed subdivision site plan demonstrates this review criterion can be met.

Therefore, this criterion has been satisfied.

The applicant has provided, detailed reports, drawings, and findings to address the questions and comments enclosed in the Planning Review Checklist dated, February 18, 2022. Per ORS 227.178(2), all required information has been provided and the application is now deemed complete.”. Please move forward with this application. We encourage staff to contact the applicant for any additional information or any items needing clarification during this process.



MEMO

TO: Aaron Panko, Planner III
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department

DATE: June 1, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB22-04 (21-102354)
3600 BLOCK BOONE ROAD SE
12-LOT PHASED SUBDIVISION**

PROPOSAL

An industrial phased subdivision tentative plan to divide approximately 79 acres into a total of 12 lots ranging in size from 107,483 square feet to 499,672 square feet in size, in two phases of development. The applicant is requesting alternative street standards to increase the street spacing and connectivity standards in *Salem Revised Code (SRC)* Chapter 803 to allow the following proposed streets to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803:

- a) Northerly block between 32nd Avenue and 36th Avenue increase to approximately 1,785 feet with mid-block pedestrian connection and public access easement.
- b) Easterly block between Boone Road and proposed 32nd Avenue increase to approximately 712 feet.
- c) Easterly block between proposed 32nd Avenue and southerly boundary of property increase to approximately 705 feet.
- d) Southerly portion of property between A Drive and 36th Avenue increase to approximately 1,875 feet.

The subject property is approximately 79 acres in size, zoned IC (Industrial Commercial), and located at the 3600 Block of Boone Road SE, 97317 (Marion County Assessor's Map and Tax Lot numbers: 083W13A/00100, 00200, and 00300).

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)*.

RECOMMENDED CONDITIONS OF APPROVAL

1. The following conditions of approval shall be completed prior to final plat approval for phase 1 or shown on the final plat:
 - a. Dedicate a 60-foot-wide right-of-way for 32nd Avenue SE and A Street SE within the subject property as shown on the applicant's site plan.
 - b. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of 36th Avenue SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Convey additional right-of-way or easement width to accommodate the waterway pursuant to Public Works Design Standards, (PWDS).
 - c. Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Boone Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Convey additional right-of-way or easement width to accommodate the waterway pursuant to PWDS.
 - d. Dedicate a 10-foot public utility easement along the street frontage of all internal streets, 36th Avenue SE, and Boone Road SE.
 - e. Dedicate a minimum 20-foot-wide water easement along the existing 36-inch G-1 water main within the subject property where the existing easement does not equal a 20-foot width.
 - f. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
 - g. Enter into a temporary facility access agreement specifying that a temporary access fee is due at the time of lot development based on \$10,000 per acre of land being developed and being served by the S-1 water system.
 - h. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
2. The following conditions of approval shall be completed prior to final plat approval for phase 1, or delayed pursuant to an Improvement Agreement:
 - a. Construct a full-street improvement of 32nd Avenue SE from 36th Avenue SE to Boone Road SE to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
 - b. Construct "A Drive" to local street standards from 32nd Avenue SE to the

southern property boundary as shown on the preliminary applicant's site plan and as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

- c. Reconfigure the existing Boone Road SE/32nd Avenue SE intersection as described in Exhibit 14 of the Traffic Impact Analysis (TIA) submitted for McKenzie Heights Phase 1.
 - d. Construct a master plan sewer main in 36th Avenue SE from Kuebler Boulevard SE to the south line of the subject property.
 - e. Construct a 12-inch sewer main from 36th Avenue SE to the southerly terminus of A Drive SE.
 - f. Construct an 18-inch S-1 water main in 36th Avenue SE from Boone Road SE to the south line of the subject property.
 - g. Construct a minimum 8-inch S-1 water main along proposed 32nd Avenue SE from 36th Avenue SE to A Street SE and in other internal streets pursuant to PWDS.
 - h. Construct a 12-inch S-2 water main from Boone Road SE to the southerly terminus of A Street SE.
 - i. Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way.
3. The following condition of approval shall be completed prior to final plat approval for phase 2, or as a condition Site Plan Approval for lot 9, whichever comes first:
- a. Construct a local street within a 60-foot-wide right-of-way to provide an additional north-south local street connection from 32nd Avenue SE to the southern property boundary within lot 11 or 12.
4. The following conditions of approval shall be completed as a condition of future lot development as specified in Site Plan Review approvals for each lot:
- a. Provide the following traffic mitigation as described in the applicant's TIA:
 - (i) Construct dual northbound left turn lanes on 36th Avenue SE at Kuebler Boulevard SE, and two westbound receiving lanes on Kuebler Boulevard SE from 36th Avenue SE to the northbound I-5 ramps.
 - (ii) Acquire off-site right-of-way as necessary along 36th Avenue SE to accommodate the additional turn lanes.

- (iii) Modify the north leg of 36th Avenue SE to line up the through lanes.
- b. Construct a half-street improvement along the frontage of 36th Avenue SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The waterway(s) affected by the street construction shall be relocated pursuant to PWDS and applicable state and federal standards.
- c. Construct a half-street improvement along the frontage Boone Road SE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The waterway(s) affected by the street construction shall be relocated pursuant to PWDS and applicable state and federal standards.
- d. Extend a public access easement for conveying vehicular traffic within the parking aisle along the western edge of the development between the proposed 32nd Avenue SE and Boone Road SE.
- e. Extend a mid-block bike/pedestrian walkway approximately at the middle of the site between the proposed 32nd Avenue SE and Boone Road SE according to PWDS.
- f. Pay the Bonaventure Reimbursement District Fee for Kuebler Boulevard Street Improvements pursuant to Resolution No. 2015-17.
- g. Pay a temporary access fee based on \$10,000 per acre of land being developed and served by the S-1 water system pursuant to SRC 200.080(a).
- h. Pay a temporary access fee of 13.5 percent of the Parks System Development Charge) (SDCs) due for residential uses.

FACTS

Streets

1. Boone Road SE
 - a. Standard—This street is designated as a local street in the Salem Transportation System Plan (TSP). The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 20-foot improvement within a varied 40-to-50-foot-wide right-of-way abutting the subject property.
2. 36th Avenue 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 Conditions—This street has an approximate 22-foot turnpike improvement within a 40- to 55-foot-wide right-of-way abutting the subject property.
3. 32nd Avenue SE
- a. Standard—This street a planned local street in the Salem TSP within the subject property. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street is undeveloped and pending construction with Phase 1 of the McKenzie Heights Apartments (CU-SPR-ADJ-DAP-DR21-02).

Storm Drainage

1. Existing Conditions
 - a. An 18-inch storm main is located in Boone Road SE approximately 215-feet east of the subject property.

Water

1. Existing Conditions
 - a. The subject property is located in the G-1, S-1, and S-2 water service levels.
 - b. A 30-inch and 24-inch S-2 water main is located in Boone Road SE.
 - c. There are no S-1 or G-0 water mains to serve the subject property.

Sanitary Sewer

1. Existing Conditions
 - a. An 8-inch sewer main is pending construction in Boone Road SE with the Phase 1 of the McKenzie Heights Apartments (CU-SPR-ADJ-DAP-DR21-02).

Parks

The proposed development is not served by a park.

CRITERIA AND FINDINGS

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

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. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. 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), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation.

A 10-foot-wide public utility easement is required along the street frontage of all frontages pursuant to SRC 803.035(n).

Condition: Dedicate a 10-foot public utility easement along the street frontage of all internal streets, 36th Avenue SE, and Boone Road SE.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2- to-3-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5- to-6-points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geological Assessment, prepared by Northwest Geological Services, Inc., and dated October 17, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed 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— The proposed subdivision is located within the G-0, S-1, and S-2 water service areas.

There is a 36-inch G-0 transmission main that traverses through the subject property from 36th Avenue SE to Boone Road SE. Individual service connections are not permitted to connect to transmission mains per PWDS. The existing easement for this transmission main is 10-feet. Current PWDS require a 20-foot easement for a 36-inch water main. The applicant shall dedicate a 20-foot easement to the City of Salem for continued maintenance and access to the main.

Condition: Dedicate a minimum 20-foot-wide water easement along the existing 36-inch G-1 water main within the subject property where the existing easement does not equal 20 feet in width.

In accordance with the *Salem Water System Master Plan* and as required by UGA19-01, the applicant shall be required to extend water mains to adjoining undeveloped property to accommodate future development. The *Salem Water System Master Plan* shows a new 18-inch S-1 water main is required within 36th Avenue SE to be constructed from Boone Road SE to the southern property boundary. Eight-inch S-1 water mains are required within the internal streets.

The S-1 water infrastructure in the area is underserved. As a condition of development in the S-1 water service level, the applicant shall be required to construct Water System Master Plan S-1 facilities needed to serve the development, which include Coburn S-1 Reservoir, Boone Road Pump Station, and transmission mains connecting the facilities. Alternatively, a temporary access may be paid for service within the S-1 water service level. Pursuant to UGA19-01, the applicant is required to enter into a temporary facility access agreement specifying that a temporary access fee is due at the time of lot development based on \$10,000 per acre of land being served by the S-1 water system as follows: Lot 1 - \$89,340; Lot 2 - \$24,670; Lot 3 - \$26,160; Lot 4 - \$94,410; Lot 5 - \$48,600; Lot 6 - \$34,170; Lot 7 - \$57,200; Lot 8 - \$103,670; Lot 10 - \$114,710; Lot 11 - \$48,430; Lot 12 - \$77,660.

A small southerly portion of the property is located in the S-2 water service level. The nearest S-2 water facilities are located in Boone Road SE abutting the subject property. The Water System Master Plan specifies that a 12-inch water main shall be extended from Boone Road SE through the subject property to the southerly terminus of A Street SE. This S-2 water main has an SDC Eligibility Ratio of 100 percent in the S-1 service area where direct service is not provided to the development and a ratio of actual cost minus 8-inch equivalent in the S-2 service area where direct service is provided.

Condition: Construct an 18-inch S-1 water main in 36th Avenue SE from Boone Road SE to the south line of the subject property.

Condition: Construct a minimum 8-inch S-1 water main along proposed 32nd Avenue SE from 36th Avenue SE to A Street SE and in other internal streets pursuant to PWDS.

Condition: Construct a 12-inch S-2 water main from Boone Road SE to the southerly terminus of A Street SE.

Condition: Enter into a temporary facility access agreement specifying that a temporary access fee is due at the time of lot development based on \$10,000 per acre of land being developed and being served by the S-1 water system.

Condition: Pay a temporary access fee based on \$10,000 per acre of land being developed and served by the S-1 water system pursuant to SRC 200.080(a).

The nearest available sewer facility appears to be located in 36th Avenue SE at the intersection of Kuebler Boulevard SE. As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (PWDS Sewer Division 003). Prior to plat approval, the applicant shall construct a master plan sewer main in 36th Avenue SE from Kuebler Boulevard SE to Boone Road SE, and a 12-inch sewer main in 36th Avenue SE from Boone Road SE to the south line of the subject property.

Condition: Construct a master plan sewer main in 36th Avenue SE from Kuebler Boulevard SE to the south line of the subject property.

Condition: Construct a 12-inch sewer main from 36th Avenue SE to the southerly terminus of A Drive SE.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as

adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Condition: Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Condition: Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way.

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. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition: All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

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 Transportation System Plan*. 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 existing condition of 36th Avenue SE does not meet current standards for its classification of street per the *Salem Transportation System Plan*. The applicant shall convey for dedication a half-width right-of-way up to 36 feet to minor arterial street standards as specified in the Public Works Design Standards and based on a rational nexus calculation. Additionally, a half-street improvement is required along with the required mitigation as described in the applicant's TIA, discussed further below.

Condition: Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of 36th Avenue SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Convey additional right-of-way or easement width to accommodate the waterway pursuant to PWDS.

Condition: Construct a half-street improvement along the frontage of 36th Avenue SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The waterway(s) affected by the street construction shall be relocated pursuant to PWDS and applicable state and federal standards.

The existing condition of Boone Road SE does not meet current standards for its classification of street per the *Salem Transportation System Plan*. The applicant shall convey for dedication a half-width right-of-way up to 30-feet to local street standards as specified in the Public Works Design Standards and based on a rational nexus calculation. Additionally, the applicant shall be required to construct a half-street improvement to Local standards along the entire frontage of Boone Road SE.

Condition: Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Boone Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Convey additional right-of-way or easement width to accommodate the waterway pursuant to PWDS.

Condition: Construct a half-street improvement along the frontage Boone Road SE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The waterway(s) affected by the street construction shall be relocated pursuant to PWDS and applicable state and federal standards.

The applicant shows a new public street bisecting the subject property (32nd Avenue SE) and extending from 36th Avenue SE to Boone Road SE. The applicant shall construct a full street improvement and dedicate right-of-way to local street standards. The applicant's tentative plan also shows a new internal street extending from 32nd Avenue SE to the southern property boundary. This street shall be constructed to Local Street Standards.

Condition: Dedicate a 60-foot-wide right-of-way for 32nd Avenue SE and A Street SE within the subject property as shown on the applicant's site plan.

Condition: Construct a full-street improvement of 32nd Avenue SE from 36th Avenue SE to Boone Road SE to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

Condition: Construct "A Drive" to local street Standards from 32nd Avenue SE to the southern property boundary as shown on the preliminary applicant's site plan and as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

The applicant is requesting alternative street standards to increase the street spacing and connectivity standards in SRC Chapter 803 to allow the following proposed streets to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803:

Request: Northerly block between 32nd Avenue SE and 36th Avenue SE increase to

approximately 1,785 feet with mid-block pedestrian connection and public access easement.

Analysis: The applicant has submitted a Site Plan Review Application for Lot 8 of the proposed subdivision, which will establish an industrial use on the subject lot (SPR-DAP22-19). Applicant proposes a public access easement within the drive aisle along the western edge of the proposed development in lieu of a north-south street connection between Boone Road SE and 32nd Avenue SE. The tentative plan also shows a pedestrian easement approximately in the middle of the development.

No plans have been submitted for development on Lot 10. The applicant submitted a wetlands delineation which shows the majority of Lot 10 contains jurisdictional Wetlands. Construction of a street through lot 10 may not be suitable based on the existing conditions of the site. Pursuant to SRC 803.030(b) the Director **APPROVES** the alternative street standard to allow for an increased block-length.

Condition: Extend a public access easement for conveying vehicular traffic within the parking aisle along the western edge of the development between the proposed 32nd Avenue SE and Boone Road SE.

Condition: Extend a mid-block bike/pedestrian walkway approximately at the middle of the site between the proposed 32nd Avenue SE and Boone Road SE according to PWDS.

Request: Easterly block between Boone Road SE and proposed 32nd Avenue SE increase to approximately 712 feet and easterly block between proposed 32nd Avenue and southerly boundary of property increase to approximately 705 feet.

Analysis: The subject property has approximately 1,400 feet of frontage on 36th Avenue SE and has submitted a site plan that shows development along the entire frontage of 36th Avenue SE (SPR-DAP22-19). The location of the proposed 32nd Avenue SE splits the applicant's frontage into two approximate 700-foot blocks. The Director **APPROVES** a larger block length SRC 803.030(b) because it accommodates for more efficient and denser development, and strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic.

Request: Southerly portion of property between A Drive SE and 36th Avenue SE increase to approximately 1,875 feet.

Analysis: The applicant proposes one north-south street connection to serve the adjacent undeveloped property to the south (A Drive SE). No development plans have been submitted for Lots 11 or 12 within phase 2. The topography of Lots 11 and 12 and adjacent property to the south would not prohibit one additional

north-south street connection. Additionally, the mapped wetlands areas are less restrictive in this area of the site according to the Oregon Department of State Lands (DSL) Wetland Delineation Concurrence Letter issued December 30, 2020 (WD # 2020-0467). An additional local street connection will provide an alternative route other than 36th Avenue SE, a minor arterial street, for future development on property directly to the south. Not only does an interconnected local street system disperse traffic, but it also encourages a mix of travel modes. Based on the above analysis, a second north-south street connection is warranted to serve the undeveloped property to the south and appears to be feasible to construct.

The director **DENIES** this request for an increased block length; a condition of approval stipulates one additional north-south street connection be provided. Because there are no development plans for lot 11 or 12 (phase 2) at this time, it is recommended that the additional street be constructed prior to final plat approval for phase 2. Alternatively, if the applicant develops Lot 9 without platting phase 2, the street will be required as a condition of development on lot 9.

Condition: Construct a local street within a 60-foot-wide right-of-way to provide an additional north-south local street connection from 32nd Avenue SE to the southern property boundary within lot 11 or 12.

The subject property is located within the Bonaventure Reimbursement District for improvements that were made to Kuebler Boulevard SE. The fee for the reimbursement district is established based on methodology within Resolution No. 2015-17.

Condition: Pay the Bonaventure Reimbursement District Fee for Kuebler Boulevard Street Improvements pursuant to Resolution No. 2015-17.

CPC-ZC17-02 limits traffic impacts from future development on the subject property to a maximum of 12,916 average daily trips. The TIA demonstrates that the proposed development does not exceed the trip cap.

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— No existing parks facilities are available within a half mile of the subject property. The *Comprehensive Parks System Master Plan* shows that a future Neighborhood Park (NP 29) is planned on or near the subject property. According to UGA 19-01, the applicant shall either set aside area for a neighborhood park or pay a Temporary Access Fee (TAF). The TAF shall be due as a condition of future lot development as specified in Site Plan Review approvals for each lot.

Condition: Pay a TAF of 13.5 percent of the Parks SDCs due for the residential uses.

SRC 205.010(d)(7)—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.

Findings—The applicant submitted a TIA that evaluates the subdivision and development along with the proposed Industrial Flex Spaces and Storage Units under review (SPR-DAP22-19) and the McKenzie Heights Apartments Phase 2 (CU-SPR-ADJ-DAP-TRV-DR22-02). The TIA identifies dual northbound left-turn lanes on 36th Avenue SE plus two westbound receiving lanes on Kuebler Boulevard SE that extend to the northbound I-5 ramps. The dual northbound left-turn lanes need to provide 200 feet of vehicle storage. Widening 36th Avenue SE to accommodate the additional turn lanes may require additional right-of-way. The north leg of 36th Avenue SE will need to be widened to ensure the lanes line up with the new southern leg lane configuration. Traffic signal poles may need to be relocated to accommodate these improvements.

Condition: Provide the following traffic mitigation as described in the applicants TIA:

- b) Construct dual northbound left turn lanes on 36th Avenue SE at Kuebler Boulevard SE, and two westbound receiving lanes on Kuebler Boulevard SE from 36th Avenue SE to the northbound I-5 ramps.
- c) Acquire off-site right-of-way as necessary along 36th Avenue SE to accommodate the additional turn lanes.
- c) Modify the north leg of 36th Avenue SE to line up the through lanes.

McKenzie Heights Apartments Phase 1 was reviewed and approved under CU-SPR-ADJ-DAP-DR21-02. A TIA was also submitted for that phase of development and established the need to reconfigure the intersection of 32nd Avenue SE and Boone Road SE.

Condition: Reconfigure the existing Boone Road SE/32nd Avenue SE intersection as described in Exhibit 14 of the TIA submitted for McKenzie Heights Phase 1.

SRC 205.010(d)(10)—When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Findings—The subject property is located outside of the Urban Service Area. An Urban Growth Preliminary Declaration (UGA) was completed for the subject property in 2019 (UGA19-01). Recommended conditions of approval ensure that all the subject property will be served by public infrastructure. The subdivision tentative plan is designed to accommodate necessary on-site and off-site infrastructure improvements.

SRC 205.015(d)(1)— **The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).**

Findings—The proposal includes two phases of development. All public improvements listed as conditions shall be required prior to final plat approval for Phase 1 or delayed pursuant to an Improvement Agreement. As shown on the applicant's tentative plan, public infrastructure constructed in Phase 1 will be adequate to serve Phase 2. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

SRC 205.015(d)(2)—**Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.**

Findings—As conditioned, connectivity for streets and City utilities will be provided for both phases and constructed in an orderly and efficient manner.

SRC 205.015(d)(3)—**Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.**

Findings—With recommended conditions, public improvements serving each phase are substantially and functionally self-contained within each phase.

SRC 205.015(d)(4)—**Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.**

Findings—As conditioned, the phasing plan allows for infrastructure that supports the phased subdivision as a whole.

Prepared by: Laurel Christian, Program Coordinator
cc: File

SUB22-04 Appeal
Boone Road Industrial Park Subdivision
3600 Block Boone Road

BACKGROUND:

On June 14, 2022, Planning Administrator for the City of Salem issued and mailed the decision for SUB22-94. The deadline for filing the appeal is 15 days following the date the City mailed the Decision, which is June 29, 2022.

The applicant was MWSH Boone Road Property, LLC. Therefore, the applicant and the applicant's representative have standing to appeal SUB22-04 decision.

APPEAL REQUEST:

The applicant is appealing the Planning Administrators denial of the Class 2 Adjustment request to eliminate a requirement for a 60-foot right of way to provide an additional north south local street connection. Per SRC Sec. 803.030. Street spacing and requests the elimination of Condition #19.

Condition 19: *Construct a local street within a 60-foot-wide right-of-way to provide an additional north-south local street connection from 32nd Avenue to the southern property boundary within lot 11 or 12.*

Summary of Reasons for Appeal:

1. *The Planning Administrator's Decision regarding the need for Condition No. 19 is based on misinterpretations of the applicable criteria, is not based on substantial evidence, and is not supported by adequate findings.*

Proposed Lots 11 (4.92 acres) and Lot 12 (7.75 acres) (herein collectively the "**Lots**") are affected by substantial jurisdictional wetlands on and around the Lots. A jurisdictional waterway bisects the Lots, and a second jurisdictional waterway is located south of Lot 12. Any proposed southerly roadway connections from 32nd Avenue SE would require crossing multiple wetlands and one or more jurisdictional waterway. Development of such a roadway would require Oregon Department of State Lands permitting and United States Army Corps permitting. No mitigation for wetlands on these lots have been proposed other than for the improvement of the 32nd Avenue SE right of way due to scale and complexity of these wetlands and waterways. Therefore, meeting condition #19 may be impossible since there is no assurance of acquiring the necessary permitting and approvals in the reasonable future.

SRC 803.030(a)(1) provides the standards for modification of the City's general street standards applicable to this request. It states:

- (a) Connectivity. Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers

located within one-half-mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:

- (1) Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.

Staff explained its reasoning for rejecting the request for alternative street standards by finding “The topography of Lots 11 and 12 and adjacent property to the south **would not prohibit** one additional north-south street connection (**emphasis added**).” Staff misinterprets the standard. Applicant’s burden is not to establish that compliance with the street standards is **prohibited**, but that the physical conditions make the proposed accessway connection “**impractical**.” Staff have misinterpreted the applicable standard. Staff’s findings that the additional accessway would “disperse traffic, it also encourages a mix of travel modes” is not based on any evidence in the record. Staff’s denial of Applicant’s request for alternative street standards, are based on a misinterpretation of the local development code, are inadequate, and are not based on substantial evidence.

2. *The Planning Administrator’s Decision violates ORS 197.195.*

The Planning Administrator’s Decision regarding the need for Condition No. 19 is based on SRC 205.010(d)(4), which requires evidence that the street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan. Under ORS 197.195(1), local governments must incorporate all comprehensive plan standards applicable to limited land use decisions (including tentative plat approvals) into their land use regulations via post-acknowledgment amendments before September 29, 1993. The law also provides that, if a local government does not do so, those plan provisions may not be a basis for local government decisions. SRC 205.010(d)(4) purports to incorporate by reference the entire TSP as a development standard. Incorporation by reference of the entire City’s TSP does not satisfy the incorporation standards of ORS 197.195(1). *Oster v. City of Silverton*, LUBA Case No. 2018-103 (May 7, 2019).

3. *The Planning Administrator’s Decision violates ORS 197.307.*

The Decision is a land division in needed for the development of multifamily housing to be located on Lots 3, 4 & 5. A local government “may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. ORS 197.307(4)¹. Such standards, conditions, and procedures “[m]ay not have the effect, either

¹ (4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing.

The standards, conditions and procedures:

- (a) May include, but are not limited to, one or more provisions regulating the density or height of a development.
- (b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.”

Local code provisions are clear and objective if they do not impose “subjective, value-laden analyses that are designed to balance or mitigate impacts.” *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998). A local code is ambiguous if it is capable of more than one plausible interpretation supporting either approval or denial. *Group B, LLC v. City of Corvallis*, 2015 WL 5184591, at 3-5 (finding a setback standard was ambiguous because it could be interpreted in manner that would either prohibit or allow a proposed development).

The Planning Administrator adopted Condition No. 19 to satisfy SRC 205.010(d)(4), which is an ambiguous standard. The proposed condition of approval will require further approvals from Oregon Department of State Lands and United States Army Corps of Engineers to address impacts on the above-described wetlands and waterways. The development associated with compliance of Condition No. 19 can add additional years of delay and hundreds of thousands of dollars in additional costs (perhaps more). Therefore, Condition No. 19 violates ORS 197.307.

4. *The Planning Administrator’s Decision violates the Takings Clause of the Fifth Amendment of the United States Constitution and Article I, Section 18 of the Oregon Constitution*

Requiring the right of way and future development of a north-south connection is an unconstitutional taking violating the Takings Clause of the Fifth Amendment of the United States Constitution and Article I, Section 18 of the Oregon Constitution.

The City may not condition approval based on an unconstitutional exaction and may not deny an application in lieu of such an approval under *Dolan v. City of Tigard*, 512 US 374, 114 S Ct 2309, 120 L Ed 2d 304 (1994) and *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 US 595, 133 S Ct 2586, 186 L Ed 2d 697 (2013). The City has failed to satisfy its burden of adopting findings that demonstrate that its proposed condition is proportional to Appellant’s impact on the surrounding transportation systems. On appeal, it is the City’s burden of demonstrating compliance with the constitutional requirements. If the City affirms the Decision, it will be subject to claims under ORS 197.796, including mandatory attorney fees to the prevailing party.