

CITY OF SALEM

555 Liberty St SE Salem, OR 97301

Meeting Agenda City Council

Monday, August 8, 2022

6:00 PM

Virtual Meeting

This meeting is being conducted virtually, with remote attendance by the governing body. In-person attendance is not possible at this time. Interested persons may view the meeting in real-time on the City of Salem YouTube Channel, thanks to a partnership with CC:Media. Comcast Cable subscribers can watch on CC:Media Channel 21. Please submit comments on agenda items by 5:00 p.m., or earlier, on the day of the meeting at cityrecorder@cityofsalem.net. Public comment and testimony may also be provided during the meeting via Zoom. Please pre-register between 8:00 a.m. and 2:00 p.m. on the day of the meeting using this link https://bit.ly/COScomment.

EXECUTIVE SESSION

None.

WORK SESSION

None.

1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)

Call to Order

Roll Call

Pledge of Allegiance

- 1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA
- 1.2 COUNCIL AND CITY MANAGER COMMENT
- 1.3 PROCLAMATIONS

1.4 PRESENTATIONS

- 2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)
- 3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

3.1 MINUTES

3.1a. 22-364 July 25, 2022 Draft City Council Minutes

Attachments: 7-25-22 Draft Council Minutes.pdf

3.1b. 22-372 July 28, 2022 Draft City Council Work Session Minutes

Attachments: 7-28-22 Draft Council Work Session Minutes.pdf

3.2 RESOLUTIONS

3.3 ACTION ITEMS

3.3a. 22-357 Appointment of Eleanor Beatty as Municipal Judge Pro Tempore

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods Result Area(s): Safe Community

Recommendation:

Appoint Eleanor Beatty as a municipal judge pro tempore for the Salem Municipal Court for a term ending on, and including, January 2, 2023.

Summary:

Judge Aiken, Municipal Judge is recommending the appointment of Eleanor Beatty as a municipal judge pro tempore for a term ending on, and including, January 2, 2023. Eleanor Beatty is experienced and meets the qualifications for municipal judge pro tempore in the Salem Revised Code. Council approval will appoint Eleanor Beatty as municipal judge pro tempore for a term ending on, and

including, January 2, 2023.

Attachments: Eleanor Beatty Resume 07-2022.doc

3.3b. 22-359 Final Order No. 2022-13-SUB-UGA-03 following City Council's vote

to affirm the decision of the Planning Commission to approve subdivision tentative plan and urban growth area preliminary declaration, case no. SUB-UGA22-03, for property located at the 1374 Crowley Avenue SE.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside Neighborhood Association Result Area(s): Welcoming and Livable Community

Recommendation:

Adopt the Final Order to affirm the Planning Administrator's decision to approve subdivision tentative plan and urban growth area preliminary declaration, case no. 2022-13-SUB-UGA22-03.

Summary:

On June 2, 2022, the Planning Administrator issued a decision approving the 46-lot Subdivision Tentative Plan and Urban Growth Area Preliminary Declaration subject to conditions of approval.

At the City Council meeting on June 13, 2022, a motion was passed that City Council call up Case No.2022-13-SUB-UGA22-03 and conduct a public hearing.

Attachments: Order No. 2022-13 SUB-UGA-03

Exhibit 2 - Facts and Findings

Exhibit 1 - Vicinity Maps

3.3c. 22-363

Executive Management Compensation.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods Result Area(s): Good Governance.

Recommendation: Approve a five percent (5%) pay grade adjustment for the Executive Management pay plan, with creation of a thirteen step pay grade with four percent (4%) between steps, and establish annual cost-of-living adjustments minimally equivalent to the non-represented group to be determined by the City Manager beginning July 1, 2022 to address pay inequity, inequality, and compression issues.

<u>Summary:</u>

Human Resources completed a compensation review for Executive Management (department directors) and found that pay inequality, pay inequity, and compression exists between the executive positions and their subordinate classifications. A pay grade adjustment is recommended to the Executive Management pay plan along with creating pay grades with steps like the non-represented pay plan structure, and establishing an annual cost-of-living adjustment (COLA) minimally equivalent to the same COLA for non-represented staff as determined by the City Manager. These compensation changes for Executive Management are to ensure fairness and consistency with pay and merit increases and follow the guidance of the City's Compensation Philosophy to maintain a fifteen percent compression level between department directors and their direct reports.

4. PUBLIC HEARINGS

4.a. 22-343

Public hearing regarding vacation of three easements adjacent to Reed Road SE at its intersections with Strong Road SE and Lindburg Road SE.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside

Result Area(s): Safe, Reliable, and Efficient Infrastructure

Recommendation:

Approve the vacation of three easements adjacent to Reed Road SE at its intersections with Strong Road SE and Lindburg Road SE.

Summary:

Street improvements are being constructed on Reed Road SE in the vicinity of Strong Road SE and Lindburg Road SE associated with a residential development project. Three existing easements are located within the area needed for the roadway improvement. The easements must be vacated for the property owner to dedicate the improved street to the City as public right-of-way.

Attachments: Resolution No. 2022-25

Vicinity Map

5. SPECIAL ORDERS OF BUSINESS: (Items deferred from the Consent Calendar; Mayor and Councilor Items; Items which require a selection among options; or of special importance to Council; management reports; presentations by City boards, commissions, committees, or outside agencies)

6. INFORMATION REPORTS: (Items that require no Council action)

6.a. 22-339 Purchases approved administratively from June 1, 2022 through

June 30, 2022.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods Result Area(s): Good Governance

Recommendation:

Information only.

Summary:

Specific awards and the sources of funds for all contracts administratively awarded, renewed, or modified during the month of June. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual contracts.

Attachments: Purchases approved administratively June 2022.pdf

6.b. <u>22-354</u> Economic development quarterly report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Strong and Diverse Economy

Recommendation:

Information only.

Summary:

City Council requested economic development reports from the Urban Development Department associated with the goal of creating a vibrant economy. This report includes activity from quarter two of calendar year 2022.

6.c. 22-355

Planning Administrator Decision - A modification to the East Park Estates Planned Unit Development Subdivision resulting in an adjustment to the phasing schedule - Approved.

Modification of Subdivision Case No

CPC-ZC-PUD-SUB-ADJ19-08MOD3 - Kiril Ivanov, Randy Myers -

255 Cordon Rd NE.

Ward(s): 6 Councilor(s): Hoy Neighborhood(s): ELNA

Recommendation:

Information Only.

Attachments: Land Use Decision CPC-ZC-PUD-SUB-ADJ19-08MOD3

6.d. <u>22-360</u> Planning Administrator Decision - A partition to create three parcels

- Approved.

Tentative Partition / Class 2 Adjustment Case No. PAR-ADJ22-02 -

Nat Borchers - 2195 Hyacinth St NE.

Ward(s): 5

Councilor(s): Gonzalez Neighborhood(s): Northgate

Recommendation:

Information Only.

Attachments: Land Use Decision PAR-ADJ22-02

6.e. 22-361 Purchases approved administratively from July 1, 2022 through July

31, 2022.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods Result Area(s): Good Governance

Recommendation:

Information only.

Summary:

Specific awards and the sources of funds for all contracts administratively awarded, renewed, or modified during the month of July. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual

contracts.

Attachments: Purchases approved administratively July 2022.pdf

6.f. 22-365 Presenting the new City flag.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

Recommendation:

Information Only.

Summary:

The new City flag is being presented to City Council.

Attachments: New City Flag

6.g. <u>22-366</u> Planning Administrator Decision - To consolidate seven properties

into two lots. - Approved.

Tentative Replat Case No. REP22-06 - City of Salem Urban

Development Department - 300 Block of Commercial St NE and 263

to 291 Chemeketa St NE

Ward(s): 1

Councilor(s): Stapleton Neighborhood(s): CANDO

Recommendation:

Information Only.

Attachments: Land Use Decision REP22-06

6.h. 22-367 Planning Administrator Decision - To consolidate four properties

into one lot - Approved.

Tentative Replat Case No. REP22-07 - City of Salem Urban

Development Department - 350 to 360 Front St NE and 240 to 270

Center St NE.

Ward(s): 1

Councilor(s): Stapleton Neighborhood(s): CANDO

Recommendation:

Information Only.

Attachments: Land Use Decision REP22-07

6.i. <u>22-371</u> Planning Administrator Decision - Proposed development of a

Vietnam War Memorial. - Approved.

Class 3 Site Plan Review / Class 2 Adjustment / Tree Regulation Variance Case No. SPR-ADJ-TRV22-36 - State of Oregon Parks and

Rec Dept. - 900 Court St NE.

Ward(s): 1

Councilor(s): Stapleton Neighborhood(s): CANDO

Recommendation:

Information Only.

Attachments: Land Use Decision SPR-ADJ-TRV22-36

7. ORDINANCES

7.1 FIRST READING:

7.1a. <u>22-345</u> Petitioner-Initiated Annexation of Territory Located at 3518-3598

Cherry Glen Place NE (Annexation Case No. C-746)

Ward(s): 5

Councilor(s): Gonzalez Neighborhood(s): Northgate

Result Area(s): Good Governance; Safe Community; Safe, Reliable

and Efficient Infrastructure.

Recommendation:

Advance Ordinance Bill No. 15-22 approving annexation, applying City zoning, and approving withdrawal from Marion County Fire District #1, East Salem Sewer and Drainage District for a 6.87-acre territory located at 3518-3598 Cherry Glen Place NE to second reading for enactment.

Summary:

This is a petitioner-initiated, voter-exempt annexation of a 6.87-acre territory located at 3518-3598 Cherry Glen Place NE - 97317 (Marion County Assessor Map and Tax Lots 073W12AA 02502, 02600, and 02700, and 073W12AD 00100 and 00201). The annexation would include a concurrent application of City zoning of RM-II (Multiple Family Residential-II). A vicinity map is included as Attachment 1.

Attachments: Vicinity Map

Ordinance Bill No. 15-22

Exhibit A - Territory Legal Description and Map

7.2 SECOND READING:

8. PUBLIC COMMENT: (Other than agenda items)

9. ADJOURNMENT

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To request accommodations or services, please call 503-588-6255 or 503-588-6003 (TTD/TTY 503-588-6439), or by e-mail at: cityrecorder@cityofsalem.net at least two business days in advance.

Si necesita ayuda para comprender esta información, por favor llame 503-588-6003.

UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS

a. 22-358

Due to COVID-19, and until further notice, all meetings, public hearings, and work sessions will be conducted virtually. Real-time remote viewing is available online at CC:Media YouTube Channel and can also be viewed on Comcast Cable CC:Media Channel 21.

CITY COUNCIL PUBLIC HEARINGS:

Proposed Solid Waste Collection Service Rates Monday, August 22, 2022 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS:

URBAN RENEWAL AGENCY PUBLIC HEARINGS:

WORK SESSIONS:

Proposed Community Infrastructure Bond Projects and Timing Monday, August 15, 2022 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor North Lancaster (NOLA), September 7, 2022, Councilor Hoy Northgate, September 15, 2022, Councilor Gonzalez

MEETING PROCEDURES

City Council

City Council meets on the second and fourth Mondays of each month at 6:00 p.m. All meetings are in the Council Chambers, Room 240, 555 Liberty St. SE.

The Mayor, who is the presiding officer, is elected at large for a term of two years. Councilors are elected for four year terms for each of the City's eight Wards. These nine officers comprise the Council who make the policy decisions for municipal activity and pass its ordinances and regulations.

Because the Mayor and Councilors' positions are part time, without pay, the Council appoints a City Manager who is responsible for the administration and execution of the City's policies and ordinances.

The City Council generally follows Robert's Rules of Order, but has adopted supplementary rules that may be found on the City's website at: http://www.cityofsalem.net/Pages/council rules.aspx.

THE CONSENT CALENDAR

The Consent Calendar allows the Council to save time by acting on everything listed on that part of the agenda with one motion instead of considering each item separately. If a City Councilor believes a matter on the Consent Calendar deserves further discussion, the Councilor can request that item be removed from the Consent Calendar and considered separately under "Special Orders of Business."

PUBLIC COMMENT

There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is immediately prior to the Consent Calendar. This time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. The time light on the podium will flash yellow when you have one minute left, and will turn red when your time has expired.

HOW TO GET YOUR COMMENTS INCLUDED AS PART OF THE AGENDA

Any written comments that you wish to be given to the City Council that are about an item on an agenda must be submitted to the City Recorder by 3:30 p.m. on the day of the City Council meeting when the item will be considered. For complete information on submitting communications to Council, please refer to Council Rule 6: Communications:

https://www.cityofsalem.net/Pages/council rules.aspx.

If you have some matter that you wish to have the City Council consider in the future, you are encouraged to submit your suggestion in writing to the City Manager at 555 Liberty Street SE, Room 220, Salem, OR, or by e mail to: manager@cityofsalem.net.

PUBLIC HEARINGS

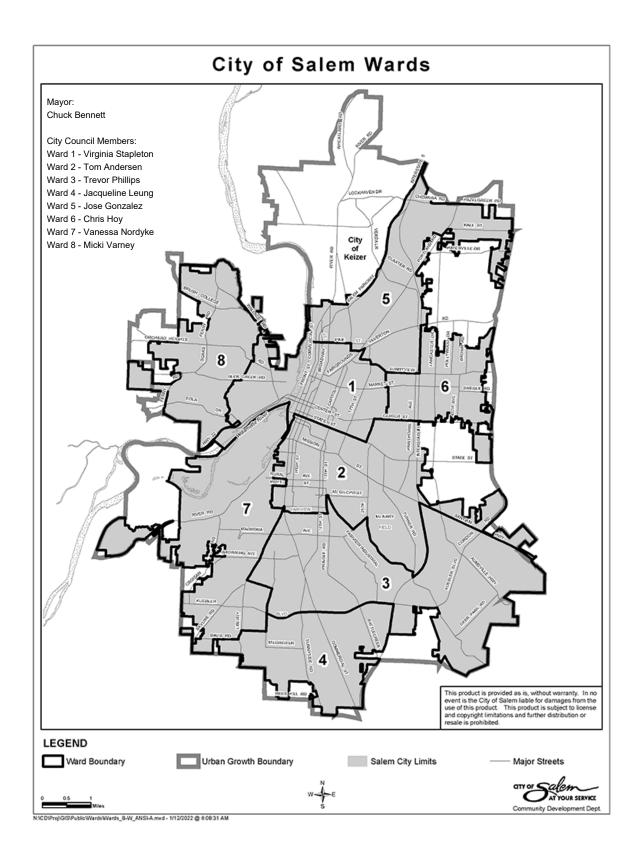
The City Council can hold public hearings to consider legislative, quasi judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the agenda, the Mayor will announce when the public hearing is open. If you have signed up to speak, come forward to the podium when the Mayor calls your name. State your name and either your address or the ward you live in. If you wish to receive notice of any written decision reached at the hearing, you must provide the City Recorder your address. When you have finished speaking, the Mayor will ask the Council if there are any questions for you, so please remain at the podium for a moment.

The time limit is 3 minutes per person for legislative and administrative hearings. The time limits for quasi judicial hearings in non land use cases are as follows:

- 1. Staff Presentation 15 minutes
- 2. Affected Party 15 minutes
- 3. Neighborhood Associations 5 minutes
- 4. Other Interested Persons 3 minutes per person
- 5. Rebuttal by Affected Party 7 minutes

Time limits for quasi judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503 588 6173 or email at: Imanderson@cityofsalem.net.

Timer lights are located on the podiums. A flashing yellow light means you have one minute left; a red light means your time has expired.



Page Break

CITY OF SALEM

555 Liberty St SE Salem, OR 97301



Staff Report

 File #:
 22-364

 Version:
 1

 Item #:
 3.1a.

July 25, 2022 Draft City Council Minutes

555 Liberty St SE Salem, OR 97301



Final Action Agenda - Minutes - Draft

Monday, July 25, 2022 6:00 PM

Virtual Meeting

City Council

This meeting is being conducted virtually, with remote attendance by the governing body. In-person attendance is not possible at this time. Interested persons may view the meeting in real-time on the City of Salem YouTube Channel, thanks to a partnership with CC:Media. Comcast Cable subscribers can watch on CC:Media Channel 21. Please submit comments on agenda items by 5:00 p.m., or earlier, on the day of the meeting at cityrecorder@cityofsalem.net. Public comment and testimony may also be provided during the meeting via Zoom. Please pre-register between 8:00 a.m. and 2:00 p.m. on the day of the meeting using this link https://bit.ly/COScomment.

EXECUTIVE SESSION

None.

WORK SESSION

None.

1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)

Call to Order

6:20 p.m.

Roll Call

Present: 7 - Councilor Andersen, Councilor Hoy, Mayor Bennett, Councilor Nordyke, Councilor

Phillips, Councilor Stapleton, and Councilor Varney

Absent: 2 - Councilor Leung, and Councilor Gonzalez

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

Councilor Hoy noted a Scrivener's Error on item 4.b. The ward number is listed incorrectly as Ward 4, and the correct number is Ward 3. In addition, the Ward 3 councilor should be listed as Councilor Phillips, instead of Councilor Leung.

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Phillips, Stapleton, Nordyke, Hoy, Mayor Bennett and Interim City Manager Kristin Retherford.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

None.

2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)

The following individuals provided comments via remote video: Dylan McDowell, Chair, Salem Parks and Recreation Advisory Board (SPRAB), Item 6.a., file 22-326

Questions or Comments by: Councilor Nordyke, Dylan McDowell, Councilors Stapleton, Andersen, Varney, Mayor Bennett, and City Attorney Dan Atchison.

Cory Poole, Chair, Southeast Mill Creek Association (SEMCA), Item 6.d., file 22-346

Questions or Comments by: Councilor Andersen, Mayor Bennett, Interim City Manager Kristin Retherford, Chief Financial Officer Josh Eggleston, Councilor Hoy, Cory Poole, and Councilors Nordyke and Phillips.

3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to approve the consent calendar with pulls of items 3.2a by Councilor Andersen and 3.3a by Councilor Stapleton.

Questions or Comments by: Councilor Hoy, Mayor Bennett and Councilor Andersen.

Amended motion by Councilor Hoy, seconded by Councilor Andersen to include item 3.3a in the consent calendar.

The amended motion CARRIED by the following vote:

Aye: 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and

Varney Nay:

Absent: 2 - Leung and Gonzalez

Abstain: 0

The main motion, as amended, CARRIED by the following vote:

Aye: 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

Final Action Agenda - Minutes - Draft

Nay: (

Absent: 2 - Leung, and Gonzalez

Abstain: 0

3.1 MINUTES

3.1a. 22-295 July 11, 2022 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2a. 22-321 Resolution to Extend Emergency Utility Assistance Program

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Strong and Diverse Economy;

Welcoming and Livable Community

Adopted Resolution 2022-44, restating the terms of the Emergency Utility Assistance Program, extending the effective date, and authorizing up to

\$300,000 of Utility revenue annually beginning in 2023.

3.2b. 22-344 Transfer of appropriations within the City's Fiscal Year 2023 Budget

for the Capitol JAM event at the Gerry Frank | Rotary Amphitheater.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods Result Area(s): Good Governance.

Adopted Resolution No. 2022-45, authorizing a transfer of appropriations within the City's Fiscal Year 2023 budget for the Capitol JAM event.

3.3 ACTION ITEMS

Final Action Agenda - Minutes - Draft

July 25, 2022

3.3a. 22-313 Developing a conceptual design for a road diet on Capitol Street NE

between Center Street NE and Market Street NE in order to add a

buffered bike lane.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CANDO, NEN, Grant

Result Area(s): Safe, Reliable, and Efficient Infrastructure; Safe

Community

Pulled by Councilor Stapleton - See item 5.a.

3.3b. 22-314 Approval of the Bailey Ridge Park Master Plan

Ward(s): Ward 7

Councilor(s): Councilor Nordyke

Neighborhood(s): Southwest Association of Neighbors Result Area(s): Welcoming and Livable Community

Approved the Bailey Ridge Park Master Plan.

3.3c. 22-347 Claim Settlement Authorization

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): .

Authorized the City Manager to resolve the matter of Stephen Cudeck workers' compensation claim in an amount of \$185,000.00. Payment will be made from the City's self-insurance claim fund.

3.3d. 22-349 Approval of the explanatory statement, modification of measure language, and ratification of publication of ballot title for the Salem Community Capital Improvements Bond

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods Result Area(s): Good Governance.

Approved the Explanatory Statement, adopted Resolution No. 2022-46, to approve modified measure language, and ratify the publication of the ballot title for the Salem Community Capital Improvements Bond.

3.3e. 22-350 Purchasing from a City Employee Owned Business

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods Result Area(s): Good Governance

Authorized the City Manager to execute a contract with a City employee-owned business, Training 4 Responders LLC, to provide CPR training.

4. PUBLIC HEARINGS

4.a. 22-293 Proposed fees and charges for utility service rates (water, wastewater, and stormwater).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community; Safe, Reliable,

and Efficient Infrastructure

Staff presentation by Public Works Director Peter Fernandez.

Persons testifying: None.

Questions or Comments by: Mayor Bennett, Councilor Nordyke, Peter Fernandez, Councilors Andersen and Stapleton, Public Works Support Services Assistant Director Alicia Blalock, and Councilors Phillips and Varney.

A motion was made by Councilor Hoy, seconded by Mayor Bennett to adopt Resolution No. 2022-43 with exhibit, establishing fees and charges for utility service rates (water, wastewater, and stormwater) effective January 1, 2023, and January 1, 2024, and approve the allocation of up to \$300,000 of Utility revenue annually beginning in 2023 for the Emergency Utility Assistance Program.

Additional Questions or Comments by: Councilor Hoy, Mayor Bennett, and Councilors Andersen and Phillips.

The motion CARRIED by the following vote:

Aye: 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

Nay: 0

Absent: 2 - Leung, and Gonzalez

Abstain: 0

4.b. 22-310

City Council review of Subdivision Tentative Plan and Urban Growth Area Preliminary Declaration approval (SUB-UGA22-03) for property located at 1374 Crowley Avenue SE.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): Morningside Neighborhood Association

(Morningside)

Result Area(s): Welcoming and Livable Community

Staff presentation by Olivia Dias, Planner, Community Development Planning Services.

Persons testifying on behalf of the applicant:

Hayden Wooton, Reece & Associates, Inc., 321 First Avenue East, Suite 3a, Albany, OR

Kelly Sandow, Sandow Engineering, 160 Madison Street, Suite A, Eugene, OR

Questions or Comments by: Councilor Phillips, Hayden Wooton, Kelly Sandow, and Councilor Andersen.

Other persons or organizations testifying:
Alan Meyer, Morningside Neighborhood Association, Ward 3

Questions or Comments by: Mayor Bennett, Councilor Andersen, Alan Meyer, Councilor Phillips, City Attorney Dan Atchison, Oliva Dias, Assistant City Traffic Engineer Tony Martin, Councilor Hoy, Peter Fernandez, and Councilor Stapleton.

Applicant's rebuttal by Hayden Wooton.

A motion was made by Councilor Hoy, seconded by Mayor Bennett to affirm the Planning Administrator's decision approving subdivision tentative plan, and urban growth area preliminary declaration case no. SUB-UGA22-03.

Additional Comments or Questions by: Councilors Hoy and Phillips.

The motion CARRIED by the following vote:

Aye: 6 - Andersen, Hoy, Bennett, Nordyke, Stapleton, and Varney

Nay: 1 - Phillips

Absent: 2 - Leung, and Gonzalez

Abstain: 0

5. SPECIAL ORDERS OF BUSINESS: (Items deferred from the Consent Calendar; Mayor and Councilor Items; Items which require a selection among options; or of special importance to Council; management reports; presentations by City boards, commissions, committees, or outside agencies)

5.a. <u>22-313</u> (3.3a)

Developing a conceptual design for a road diet on Capitol Street NE between Center Street NE and Market Street NE in order to add a buffered bike lane.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CANDO, NEN, Grant

Result Area(s): Safe, Reliable, and Efficient Infrastructure; Safe

Community

Councilor Stapleton declared a potential conflict of interest due to the project is located on the street that she resides.

A motion was made by Councilor Stapleton, seconded by Councilor Hoy to direct staff to develop a conceptual design for a road diet on Capitol Street NE between Center Street NE and Market Street NE in order to add a buffered bike lane.

Questions or Comments by: Councilors Stapleton and Andersen.

Amended motion by Councilor Andersen, seconded by Councilor Stapleton to replace the word "buffer" with the word "protected" and indicate that there should be no right turn lane from Capitol Street NE to Market Street NF

Questions or Comments by: Councilor Stapleton, Mayor Bennett, Councilors Andersen and Hoy, and Public Works Director Peter Fernandez.

Councilor Andersen restated his motion as "into a buffered or protected bike lane, with a discussion of a right turn lane."

Questions or Comments by: Mayor Bennett, Councilor Andersen, and City Attorney Dan Atchison.

Councilor Andersen withdrew his motion.

Additional Comments by: Mayor Bennett, Councilor Stapleton, and Peter Fernandez.

The motion CARRIED by the following vote

Aye: 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

Nay: (

Absent: 2 - Leung, and Gonzalez

Abstain: 0

6. INFORMATION REPORTS: (Items that require no Council action)

6.a. <u>22-326</u> Communication from the Salem Parks and Recreation Advisory Board

to City Council regarding increased communication and engagement

between the two bodies.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Welcoming and

Livable Community.

Comments by: Mayor Bennett and Councilor Hoy.

This Informational Report was received and filed.

6.b. <u>22-341</u> Hearings Officer Decision - To replace an existing reader board with

a new electronic display - Approved.

Conditional Sign Use / Sign Permit Case No. CU-SI22-03 - Joel Smallwood on behalf of Salem Keizer School District 24J - 525

Rockwood St SE.

Ward(s): 4

Councilor(s): Leung Neighborhood(s): SGNA

This Informational Report was received and filed.

6.c. 22-342 Hearings Officer Decision - To install ten new signs on the Salem

Heath campus - Approved.

Sign Variance / Sign Permit Case No. VAR-SI22-01 - Salem Hospital

- Salem Health - 890 Oak St SE.

Ward(s): 2

Councilor(s): Andersen Neighborhood(s): CANDO

This Informational Report was received and filed.

6.d. Update to City's projected spending plan related to homelessness services.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community; Welcoming and Livable

Community.

This Informational Report was received and filed.

6.e. 22-348 Planning Administrator Decision - To remove two significant trees in association with construction of an apartment complex - Approved.

Tree Regulation Variance Case No. TRV22-02 - Scott Martin - 2499, 2501, 2519, and 2551 Wallace Rd NW.

Ward(s): 8

Councilor(s): Varney Neighborhood(s): WSNA

This Informational Report was received and filed.

6.f. Planning Administrator Decision - For the removal of three significant trees associated with the development of a single-family dwelling. - Approved

Tree Regulation Variance Case No. TRV22-03 - Carlos Armas - 1845 Turnage St NW.

Ward(s): 8

Councilor(s): Varney
Neighborhood(s): WSNA

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

None.

7.2 SECOND READING:

Final Action Agenda - Minutes - Draft

7.2a. 22-334 Our Salem Project - Updating the Salem Area Comprehensive Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy;

Welcoming and Livable Community.

Remarks by Mayor Bennett.

A motion was made by Councilor Hoy, seconded by Councilor Phillips to engross Ordinance Bill No. 9-22 and pass Engrossed Ordinance Bill No. 9-22.

Second reading was conducted and Engrossed Ordinance Bill No. 9-22 PASSED by the following vote:

Aye: 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

Nay: 0

Absent: 2 - Leung, and Gonzalez

Abstain: 0

7.2b. 22-335 Our Salem Project - Amending the Comprehensive Plan Map and

Zoning Map.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy;

Welcoming and Livable Community.

A motion was made by Councilor Hoy, seconded by Mayor Bennett to engross Ordinance Bill No. 10-22 and pass Engrossed Ordinance Bill No.

10-22.

Second reading was conducted and Engrossed Ordinance Bill No. 10-22 PASSED by the following vote:

Aye: 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

Nay: 0

Absent: 2 - Leung, and Gonzalez

Abstain: 0

Final Action Agenda - Minutes - Draft

7.2c. 22-336 Our Salem Project - Amending the Salem Revised Code.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse

Economy; Welcoming and Livable Community.

A motion was made by Councilor Hoy, seconded by Mayor Bennett to engross Ordinance Bill No. 11-22 and pass Engrossed Ordinance Bill No. 11-22.

Second reading was conducted and Engrossed Ordinance Bill No. 11-22 PASSED by the following vote:

Aye: 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

Nay: 0

Absent: 2 - Leung, and Gonzalez

Abstain: 0

7.2d. 22-337 Our Salem Project - Adopting the Salem Housing Needs Analysis.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse

Economy; Welcoming and Livable Community.

Second reading was conducted and Ordinance Bill No. 12-22 PASSED by the following vote:

Aye: 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

Nay: 0

Absent: 2 - Leung, and Gonzalez

Abstain: 0

7.2e. <u>22-274</u> Designation of the Eco Earth Globe as a Local Historic Resource

Ward(s): Ward 1

Councilor(s): Councilor Stapleton Neighborhood(s): CANDO

Result Area(s): Welcoming and Livable Community

Correction - At second reading of Ordinance Bill No.13-22, an oral Scrivener's error was made. The error was incorrectly stating that the ordinance was "engrossed."

Second reading was conducted and Ordinance Bill No. 13-22 PASSED by the following vote:

Aye: 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

Nay: 0

Absent: 2 - Leung, and Gonzalez

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

8:48 p.m.

Page Break

CITY OF SALEM

555 Liberty St SE Salem, OR 97301



Staff Report

 File #:
 22-372

 Version:
 1

 B/8/2022
 Item #:

 3.1b.

July 28, 2022 Draft City Council Work Session Minutes

555 Liberty St SE Salem, OR 97301



Final Action Agenda - Minutes - Draft

Thursday, July 28, 2022 6:00 PM

City Council Work Session - Council Policy Agenda Update and Progress Report Virtual Meeting

City Council

This meeting is being conducted virtually, with remote attendance by the governing body. In-person attendance is not possible at this time. Interested persons may view the meeting in real-time on the City of Salem YouTube Channel, thanks to a partnership with CC:Media. Comcast Cable subscribers can watch on CC:Media Channel 21. Please submit comments on agenda items by 5:00 p.m., or earlier, on the day of the meeting at cityrecorder@cityofsalem.net.

1. OPENING EXERCISES:

Call to Order

6:00 p.m.

Roll Call

Present: 8 - Councilor Andersen, Councilor Hoy, Mayor Bennett, Councilor Nordyke, Councilor

Phillips, Councilor Stapleton, Councilor Gonzalez, and Councilor Varney

Absent: 1 - Councilor Leung

Pledge of Allegiance

Led by Mayor Bennett.

1.1 APPROVAL OF SPECIAL MEETING AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Phillips to approve the special meeting agenda.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, Gonzalez, and Varney

Nay: 0

Absent: 1 - Leung

Abstain: 0

1.2 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

2. DISCUSSION: COUNCIL POLICY AGENDA UPDATE AND PROGRESS REPORT

2.a. Update on priorities in the 2022 City Council Policy Agenda.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Result Areas - Good Governance; Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

Opening remarks from Interim City Manager Kristin Retherford, who introduced incoming City Manager, Keith Stahley.

Comments by: Keith Stahley and Mayor Bennett.

Presentation by Courtney Knox Busch, Strategic Initiatives Manager.

Questions or Comments by: Councilors Hoy, Nordyke, Andersen, and Phillips, Mayor Bennett, Councilor Stapleton, Public Works Director Peter Fernandez, Interim City Manager Kristin Retherford, and Councilors Gonzalez and Varney.

2.b. Transitioning the Salem Municipal Airport to a full Commercial Service Airport

Ward(s): 2

Councilor(s): Anderson Neighborhood(s): SEMCA

Result Area(s): Strong and Diverse Economy

Opening remarks by Interim City Manager Kristin Retherford.

Questions or Comments by: Mayor Bennett, Councilors Hoy and Nordyke, Airport Manager John Paskell, Councilors Andersen, Stapleton, Varney, and Gonzalez.

3. ADJOURNMENT

8:07 p.m.

Page Break

555 Liberty St SE Salem, OR 97301

CITY OF SALEM



Staff Report

File #: 22-357

Version: 1

Date: 8/8/2022

Item #: 3.3a.

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Jane Aiken, Municipal Judge

SUBJECT:

Appointment of Eleanor Beatty as Municipal Judge Pro Tempore

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods Result Area(s): Safe Community

SUMMARY:

Judge Aiken, Municipal Judge is recommending the appointment of Eleanor Beatty as a municipal judge pro tempore for a term ending on, and including, January 2, 2023. Eleanor Beatty is experienced and meets the qualifications for municipal judge pro tempore in the Salem Revised Code. Council approval will appoint Eleanor Beatty as municipal judge pro tempore for a term ending on, and including, January 2, 2023.

ISSUE:

Shall the City Council appoint Eleanor Beatty as a municipal judge pro tempore for the Salem Municipal Court for a term ending on, and including, January 2, 2023?

RECOMMENDATION:

Appoint Eleanor Beatty as a municipal judge pro tempore for the Salem Municipal Court for a term ending on, and including, January 2, 2023.

FACTS AND FINDINGS:

Chapter V, Section 24 (7), of the 1996 Salem Charter, authorizes the City Council, upon recommendation of the municipal judge, to appoint municipal judges pro tempore.

 File #:
 22-357

 Version:
 1

 Item #:
 3.3a.

Salem Revised Code (SRC) 4.015(b) sets the qualifications of municipal judges pro tempore. SRC 4.020(b) provides for the term of the office for a municipal judge pro tempore. A municipal judge pro tempore shall serve a term not to exceed two years and that the length of the term shall be recommended by the municipal judge and set by City Council for the time of the appointment.

Appointment of Eleanor Beatty will have no budgetary impact as the hours are already included in the Municipal Court budget.

BACKGROUND:

Eleanor Beatty has served as a Court Appointed Attorney in Salem Municipal Court since 2011. In May 2022, Ms. Beatty ran unopposed in the primary election and is the municipal judge nominee on the upcoming November 2022 ballot. It is anticipated that Ms. Beatty will be elected to the position of municipal judge for the Salem Municipal Court beginning her term January 3, 2023.

Deborah Ingledew Court Administrator

Attachments:

1. Eleanor Beatty Resume

EXPERIENCE

Keizer Law, PC, Keizer, Oregon Managing partner

August 2016-present

Represent clients concerning domestic relations matters, estate planning, criminal defense, and general litigation matters.

Court appointed criminal defense attorney with Salem Municipal Court since 2012 handling misdemeanor offenses (DUII, Trespass, DWS, Giving False Information, Reckless Driving, Alcohol in prohibited places, etc.) and associated violations as well as probation violation matters from arraignment through disposition including jury trials.

Koho & Beatty, Attorneys at Law, LLC, Keizer, Oregon October 2006 – August 2016 Partner (September 2007 to August 2016)
Associate Attorney (October 2006 to August 2007)

Beloof & Haines, LLP, Clackamas, Oregon Associate Attorney August 2005 – September 2006

Marion-Polk Legal Aid Services, Salem, Oregon *Volunteer Attorney*

December 2004 – August 2005

MEMBERSHIPS AND AWARDS

Marion Polk Volunteer Lawyers Project: Lawyer of the Year, 2008
Marion Polk Volunteer Lawyers Project: Arno Denecke New Lawyer of the Year award, 2005
Marion County Bar Association, member since 2006, Editor of MCBA Bulletin 2006 – 2008
Willamette Valley Inn of Court, member 2007-2009, 2020-present
Clackamas County Citizen Review Board, member spring 2011 – July 2020

EDUCATION

Willamette University College of Law, Salem, Oregon Juris Doctor, May 2004 Honors and Activities

- Class Rank: 32/116 (top 30%)
- Trustees' Scholarship
- Willamette Law Review, Associate Editor, 2003-2004

Oregon State University, Corvallis, Oregon Bachelor of Science, Philosophy, 1998 Minor, Mathematics

University of St. Thomas, St. Paul, Minnesota Attended 1994 - 1996

Page Break

555 Liberty St SE Salem, OR 97301

CITY OF SALEM



Staff Report

 File #:
 22-359

 Version:
 1

 Item #:
 3.3b.

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

Final Order No. 2022-13-SUB-UGA-03 following City Council's vote to affirm the decision of the Planning Commission to approve subdivision tentative plan and urban growth area preliminary declaration, case no. SUB-UGA22-03, for property located at the 1374 Crowley Avenue SE.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside Neighborhood Association

Result Area(s): Welcoming and Livable Community

SUMMARY:

On June 2, 2022, the Planning Administrator issued a decision approving the 46-lot Subdivision Tentative Plan and Urban Growth Area Preliminary Declaration subject to conditions of approval.

At the City Council meeting on June 13, 2022, a motion was passed that City Council call up Case No.2022-13-SUB-UGA22-03 and conduct a public hearing.

ISSUE:

Shall City Council adopt the Final Order to affirm the Planning Administrator's decision to approve subdivision tentative plan and urban growth area preliminary declaration, case no. 2022-13-SUB-UGA22-03?

RECOMMENDATION:

Adopt the Final Order to affirm the Planning Administrator's decision to approve subdivision tentative plan and urban growth area preliminary declaration, case no. 2022-13-SUB-UGA22-03.

FACTS AND FINDINGS:

On July 25, 2022, the City Council conducted a hearing to receive evidence and testimony regarding

 File #:
 22-359

 Version:
 1

 Item #:
 3.3b.

the proposal.

The City Council closed the record and hearing, conducted deliberations, and voted to affirm the decision of the Planning Administrator approving the consolidated applications for subdivision tentative plan and urban growth area preliminary declaration, case no. 2022-13-SUB-UGA22-03, as conditioned. The attached order provides the facts and findings related to the City Council's decision (Attachment 1).

Olivia Dias Current Planning Manager

Attachments:

- 1. Order No. 2022-13-SUB-UGA22-03
 - Exhibit 1 Vicinity Maps
 - Exhibit 2 Facts and Findings

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF APPROVAL OF)	ORDER NO. 2022-13-SUB-
PHASED SUBDIVISION TENTATIVE)	UGA-03
PLAN, AND URBAN GROWTH AREA)	SUBDIVISION TENTATIVE
PRELIMINARY DECLARATION)	PLAN, URBAN GROWTH AREA
CASE NO.2022-13-SUB-UGA22-03)	PRELIMINARY DECLARATION
) 1374 CROWLEY AVENEUE SE - 97302)	CASE NO. SUB-UGA-ADJ 22-01

This matter coming regularly for hearing before the City Council, at its July 25, 2022 meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming the decision of the Planning Administrator in Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration Case No. 2022-13-SUB-UGA22-03, and approving the application.

PROCEDURAL FINDINGS:

- (a) On December 19, 2021, a consolidated application for a Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration was filed for a proposal to divide approximately 14.5 acres located at 1374 Crowley Avenue SE into 46 single family lots in three phases of development (exhibit 1).
- **(b)** After receiving missing information, the consolidated application was deemed complete for processing on March 21, 2022. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on March 21, 2022, and public notice was posted on the subject property on March 21, 2022 pursuant to SRC 300.520(b)(2).
- (c) On June 14, 2022 the 120-day state-mandated local decision deadline was extended by the applicant from July 19, 2022 to September 2, 2022.
- (d) On June 2, 2022 the Planning Administrator issued a decision approving the 46-lot Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration.
- **(e)** At the June 13, 2022 regularly scheduled meeting, the City Council voted to initiate review of the Planning Administrator's decision.
- (f) On July 25, 2022, the City Council held a public hearing and received public testimony. The public hearing was closed and the City Council conducted deliberations and voted to affirm the Planning Administrator's decision approving Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration Case No. SUB-UGA22-03.

SUBSTANTIVE FINDINGS:

The City Council adopts the following as findings for this decision:

(a) The Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration collective application to develop approximately 14.5 acres into 46 lots, as proposed and conditioned, meets the approval criteria set forth in SRC 205.010(d), and SRC 200.025(e).

(b) The Planning Administrator's June 2, 2022 decision approving the applications is based on the collective application meeting the approval criteria set forth in SRC 205.010(d), and SRC 200.025(e).

(c) The facts and findings, attached hereto as exhibit 2, are incorporated to this decision as set forth herein.

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

Section 1. The City Council affirms the decision of the Planning Administrator and APPROVES Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration Case No. SUB-UGA22-03.

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

Exhibit 1: Facts and Findings for 2022-13-SUB-UGA22-03

ADOPTED by the City Council this 22nd day of August 2022.

ATTEST:

City Recorder

Checked by: Olivia Dias

FACTS & FINDINGS

PHASED SUBDIVISION TENTATIVE PLAN, AND URBAN GROWTH AREA PRELIMINARY DECLARATION, CASE NO. 2022-13-SUB-UGA22-03

August 8, 2022

PROCEDURAL FINDINGS

- (a) On December 19, 2021, a consolidated application for a Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration was filed for a proposal to divide approximately 14.5 acres located at 1374 Crowley Avenue SE into 46 single family lots in three phases of development.
- (b) After receiving missing information, the consolidated application was deemed complete for processing on March 21, 2022. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on March 21, 2022, and public notice was posted on the subject property on March 21, 2022 pursuant to SRC 300.520(b)(2).
- (c) On June 14, 2022 the 120-day state-mandated local decision deadline was extended by the applicant from July 19, 2022 to September 2, 2022.
- (d) On June 2, 2022 the Planning Administrator issued a decision approving the 46-lot Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration.
- **(e)** At the June 13, 2022 regularly scheduled meeting, the City Council voted to initiate review of the Planning Administrator's decision.
- (f) On July 25, 2022, the City Council held a public hearing and received public testimony. The public hearing was closed and the City Council conducted deliberations and voted to affirm the Planning Administrator's decision approving Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration Case No. 2022-13-SUB-UGA22-03.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

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 "Developing Residential" on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Developing Residential

South: Developing Residential & Multi-Family Residential

East: Single Family Residential

West: Single Family Residential

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 located within the S-2 and S-3 water service level.

A 6-inch water main is located in Crowley Avenue SE.

A 6-inch water main is located in Springer Avenue SE.

An 8-inch water main is located in Denali Street SE.

Sewer: An 8-inch sewer main is located in Crowley Avenue SE.

An 8-inch sewer main is located at the intersection of Springer Avenue SE and Textrum Court SE, approximately 125 feet west of the subject property.

An 8-inch sewer main is located in Denali Street SE.

Storm

Drainage: A 10-inch storm main is located in Springer Avenue SE.

A 12-inch storm main is located in Denali Street SE.

Streets: Crowley Avenue SE abuts the subject property along the western 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 has a varied 20-to-30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Springer Avenue SE abuts the subject property at the western 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 has an approximate 30-foot improvement within a 60-footwide right-of-way abutting the subject property.

Denali Street SE abuts the subject property along the southern 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 has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Parks:

The proposed development is served by Hilfiker Park, an undeveloped park site located less than one-half mile north of the subject property, and Woodmansee Park, a developed park site located approximately one-half mile west of the subject property.

2. Existing Conditions, Zoning, and Surrounding Land Use

The subject property (Attachment A) consists of two irregular shaped tax lots. Tax Lot 100 extends eastward, at its widest point, from the existing terminus of Crowley Avenue SE, approximately 778 feet and southeast approximately 584 feet to its existing boundary with Tax Lot 2800. At its eastern boundary, Tax Lot 100 is approximately 834 feet in depth. Tax Lot 2800 is approximately 659 feet wide and averages approximately 268 feet in depth. here is an existing single-family residence on Tax Lot 00100, that is proposed to be removed, while Tax Lot 2800 is vacant land. The abutting properties to the north include vacant land and single-family residences. The abutting properties to the east and west are developed with single-family residences. To the south is a multiple-family residential complex and an approved RS (Single Family Residential) zoned subdivision (SUB-UGA18-01). Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and is currently vacant. The surrounding properties are zoned and used as follows:

North: RA (Residential Agriculture); single family dwelling and agricultural use

South: RA (Residential Agriculture) and RM-II (Multiple Family Residential); single

family dwellings and senior care facility

East: RS (Single Family Residential); single family dwellings

West: RS (Single Family Residential); single family dwellings

3. 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 that the proposal has a dead end that exceeds 150-feet and requires a Fire Department turnaround. In addition, the plans indicate street grades greater than 12% grade, which does not provide adequate Fire Department access.

Condition 1: Prior to final plat, Fire Department turnaround shall be provided for any dead end in excess of 150-feet.

Condition 2: No street shall exceed 12 percent grade for more than a 200-foot run or all dwellings shall contain fire sprinklers.

Public Works Department – The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided comments included in full in the Planning Administrator's decision.

4. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the Morningside Neighborhood Association.

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 17, 2021, the applicant contacted the Morningside Neighborhood Association Chair and Land Use Chair informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to the Morningside Neighborhood Association 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. The Morningside Neighborhood Association submitted comments and provide oral testimony at the July 25, 2022 hearing, which are summarized below.

- a) Crowley Avenue Conditions: Comments concerning the safety of Crowley Avenue and Commercial Street SE between Crowley Ave and Kuebler Blvd. Concerns about access Commercial Street and lack of signals at streets intersecting Commercial Street.
- b) Overall Traffic Concerns: comments expressed concerns for the additional traffic that will be created by the subdivision. Comments indicate that there are existing concerns about the safety and traffic on streets adjoining the proposed development. Including the pedestrian island crossing just south of Royvonne Street

Finding: The applicant submitted a shadow plat as required by SRC 205.030(h). The

2022-13-SUB-UGA22-03 August 8, 2022 Page 5

redevelopment plan shows a future connection to Crowley Avenue SE through a potential second phase of development. The future connection to Crowley Avenue SE is required to meet street connectivity standards (SRC 803.030). Staff recommended conditions ensure that the design of the street will meet Local street standards if eventually constructed.

The applicant did not apply for a phased subdivision approval under SRC 205.015; therefore, future division impacts are not required to be completely evaluated and mitigated through this approval. At time of development for additional divisions, the applicant may be required to submit a Traffic Impact Analysis (TIA) and other studies that would address mitigation of impacts. Off-site improvements, to the existing segment of Crowley Street SE, may be required, these would be reviewed when an application was submitted.

The applicant was required to submit a Traffic Impact Analysis (TIA) to determine if they have an impact and if they need to mitigate the impact. The analysis focused on the full movement intersection of Commercial Street and Royvonne Avenue. The analysis shows the intersection of Commercial Street and Royvonne Avenue will operate within the City of Salem target mobility standards of Level of Service "E" in the AM and PM peak hours.

The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). Each single-family residence pays over \$4,000 in Transportation SDCs, which are collected and used to pay for street improvements that add capacity to mitigate impacts of growth. Issues of speeding and running stop signs, noted in public comments, are not directly addressed by developers, but through law enforcement and other community measures.

The subject property is one of the few large parcels that has yet to develop within the developed portions of the City of Salem. The site is surrounded by either fully developed properties, or by a large vacant parcel. Access to this site is quite limited. There are only two public streets that provide connectivity. To the south Denali Street SE is a newly constructed residential street that connects to Boone Road SE. To the west, a short stub street, Springer Avenue SE, connects to Textrum Street SE.

Eventually traffic from this subdivision will reach one of two intersections with Commercial Street SE, or one connection with Kubler Boulevard SE. The connection to Kubler is from Stroh Lane SE via Boone Road SE and the street connection is limited to right-in/right-out/left-in. The southern connection to Commercial Street is from Boone Road but is restricted to right-in/right-out turn movements only because of the proximity to the traffic signal with Kuebler. The northern connection to Commercial Street is via Royvonne Avenue SE. The intersection with Royvonne Avenue does not have restricted turn movements, but in 2019, the City Council approved the installation of a pedestrian island and crossing with Rapid Flashing Beacons, making the left turn movements more difficult.

Royvonne Avenues is a substandard local street. It lacks a continuous pedestrian connection between Textrum Street and Commercial Street. It also has a significant grade of 15% and sight distance is restricted at the crest of the hill. There are warning signs and striping that alert drivers of the limited visibility over the crest of the hill.

Additionally, the TIA evaluated traffic signal warrants at the intersection of Commercial Street and Royvonne Avenue. The analysis showed the intersection did not meet the traffic signal warrant. Public Works would not support a traffic signal at this location because of the proximity to the existing signal at Keglers Lane SE that is located approximately 650 feet to the north. Traffic signals need to be spaced approximately ¼-mile (1320 feet) apart in order to be able to time them properly and achieve vehicle progression along the corridor.

Eventually as development continues to occur on the vacant properties to the north, a public street connection will be made to Crowley Avenue SE which is about 500 feet to the north, and eventually to the Hilfiker Lane Extension that will connect to both Battle Creek Road SE and to Commercial Street SE.

<u>Public Comments</u>: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and addresses within 250 feet of the subject property. Comments received from twelve individuals objecting to the proposal are summarized below.

a) <u>Traffic</u>: Comments submitted expressed concerns for the ability of the existing street system to handle the traffic generated by the proposed development.

Finding: The applicant submitted a Traffic Impact Analysis (TIA) that evaluated the impacts of the proposed 46 single-family lots on the existing transportation system. The TIA found that "all studied intersections operate within the mobility standards with and without the development traffic" and that "the addition of development traffic does not substantially increase queuing conditions". The Assistant City Traffic Engineer has reviewed the TIA and agrees with these findings.

The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). Each single-family residence pays over \$4,000 in Transportation SDCs, which are collected and used to pay for street improvements that add capacity to mitigate impacts of growth. Issues of speeding and running stop signs, noted in public comments, are not directly addressed by developers, but through law enforcement and other community measures.

Tree Removal: Comments submitted expressed concerns regarding the removal of additional trees from this property.

Finding: The applicant has submitted a Tree Conservation Plan (TCP22-04) pursuant to the City's Tree Preservation Ordinance (SRC Chapter 808). The application proposes to preserve 221 of the 343 trees on the subject property, for a 64 percent

retention rate. On further review, an adjustment for the total number of trees and trees preserved has been made for any deceased trees, and any trees under ten inches diameter-at-breast-heigh (DBH) that were included in the tree inventory. With this adjustment, the applicant proposes to preserve 197 trees out of a total of 305 trees, maintain the 64 percent retention rate. The 64 percent retention of identified trees is well in excess of the 25 percent required under SRC Chapter 808. Future residential development on the proposed lots would be required to have at least two trees per lot (depending on square footage of lot) and can meet that requirement through any combination of existing trees and planting new trees (SRC 808.050).

c) <u>Property Values</u>: Comments submitted about property values due to proposed subdivision.

Finding: Effect on property values is not a criterion under the Salem Revised Code for granting or denying a tentative subdivision approval. The single-family dwelling parcels proposed within the partition range from approximately 4,629 square feet to 7,803 square feet, which exceeds the minimum lot size requirement of 4,000 square feet. Their size and layout is consistent with the pattern of the surrounding neighborhood, which has predominantly been developed with single family residences.

d) Stormwater and Erosion: Concerns were raised about the treatment facility and excavating on site.

Finding: Applicable development standards and conditions of approval require that the applicant design stormwater facilities in compliance with the Public Works Stormwater Management Design Standards prior to final plat approval, addressing feasibility for onsite drainage disposal and any necessary offsite facilities. The Stormwater Management Design Standards require the applicant's engineer to submit infiltration test results, an Engineering Method Report, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

The proposed development is subject to the requirements of Salem Revised Code Chapter 75 (Erosion Prevention and Sedimentation Control) and Chapter 82 (Clearing and Grading). Permits are required for grading work that exceeds minimum thresholds, and all grading work shall meet prescribed codes and standards.

e) Street Naming: Comments received expressed concerns for how the new internal streets were being named.

Finding: The applicants tentative plan shows a north-south street named "Crowley Avenue" that would potentially connect to the existing Crowley Avenue SE that runs east-west at the western property line. Street names have not been approved. Final street names will be approved prior to final plat approval.

f) <u>Noise</u>: Concerns about noise generated and impeding existing dwelling form the enjoyment of properties.

Finding: Noise disturbances are prohibited by SRC Chapter 93, and construction activities are specifically limited to the hours of 7 a.m. to 10 p.m. by SRC 93.020(d). The level of allowable noise during construction activities is also limited by state law. SRC 93 also prohibits idling engines on motor vehicles in a manner that is plainly audible within any dwelling unit for more than 10 minutes between the hours of 10 p.m. and 7 a.m.

The subject property is located within an already developed area within the corporate limits of the City of Salem, and noise impacts from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development. Approval criteria for a tentative subdivision plan do not specifically address noise levels, and no evidence has been provided that would indicate that the proposed development in the vicinity would interfere with the safe and healthful use of neighboring properties.

SRC Chapter 51 also regulates noise levels, and the proposed development is subject to these regulations. Specifically, SRC 51.015 provides maximum sound levels based on the source and receiver of the sound. It is unlawful to exceed the maximum sound levels without an event sound permit. The Neighborhood Enhancement division of the Community Development Department enforces these noise regulations.

g) <u>Open Space and wildlife habitat</u>: Several comments received express concern regarding the loss of wildlife habitat and open space that will result from the clearing and development of the property as a subdivision.

Finding: In regard to impacts to wildlife habitat, the subject property has not been identified as a significant wildlife habitat by state wildlife management agencies or by the City. The subject property is located within the Urban Growth Boundary and incorporated limits of the City of Salem and has been designated on the City of Salem Comprehensive Plan Map as "Single Family Residential," which anticipates existing or future residential development similar to the subdivision proposed by the applicant. Loss of wildlife habitat that has not been identified as significant is not a criterion under the Salem Revised Code for granting or denying a phased tentative subdivision approval.

Regarding impacts on open space, the Salem Area Comprehensive Plan has adopted goals, policies, and plan map designations to protect identified open space areas. The subject property has not been identified as a natural open space area. Instead, the Comprehensive Plan Map designates the subject property as "Single Family Residential," and the site has been zoned RS (Single Family Residential). While currently undeveloped, the subject property is located within an already developed residential area within the corporate limits of the City of Salem, and changes to the landscape from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development.

In regard to the property being developed as a park, Woodmansee Park is approximately one-half a mile from the development site, accessed through Springer Avenue SE. Additionally, Hilfiker Park may be accessible by the development through future development of the remainder lot and subsequent development of parcels to the north in the future.

5. Criteria for Granting a Subdivision Tentative Plan

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 City Council'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.

The subject property is currently zoned RA (Residential Agriculture).

SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. This provision applies to the RA portion of the subject property. Because the zoning of the subject property will be changed to RS with the recording of the final subdivision plat, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the property being rezoned to RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

<u>SRC Chapter 511 (Single Family Residential):</u> The proposed subdivision would divide the 14.5-acre property into 45 lots and street rights-of-way with one lot for

future development. The subject property is currently zoned RS (Single Family Residential).

The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

Lot Standards for RS zone (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Street Frontage	40 feet

Proposed lots in the subdivision range from 4,629 square feet to 7,803 square feet. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

Setback Requirements: SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family Residential) zone:

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

The northern portion of the subject property is primarily undeveloped with a single-family dwelling and will remain undeveloped until the applicant comes in for a new subdivision. The proposal indicates the dwelling and structures will be remain as part of the subdivision.

Setbacks on the proposed lots will be evaluated at the time of building permit.

As conditioned, the proposal meets the requirements of SRC Chapter 511.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The subject property is primarily undeveloped, except for a single-family residence on the north portion property. The applicant is not proposing to retain the dwelling as part of the proposed development. Based on the proposed tentative subdivision layout the dwelling and accessory structure would remain within lot lines, and building envelopes.

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. There are no double frontage lot, no flag lots, and several corner lots proposed within the subdivision. The proposed subdivision has seven corner lots, none of which meet the minimum depth and width for each frontage. To ensure the designation of the front property lines are met the following condition applies:

Condition 3: The designated front lot for corner lots are as follows:

Front Lot Line
East
East
West
West
South
North
South

Flag Lots:

SRC 800.025(e) provides that within a subdivision, up to 15 percent of the lots may be flag lots. The proposed phased subdivision tentative plan does not include any flag lot, which is less than the 15 percent maximum.

As conditioned, the proposal 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 4: Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

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 is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC Chapter 200 is found in Section 9 of this report.

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.

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 46-lot subdivision generates more than 1,000 average daily vehicle trips to the local street system. Therefore, a TIA was required as part of the proposed subdivision submittal.

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.

Findings: Proposed internal local streets, Denali Street, Brooke Street, Street A, Crowley Avenue and Springer Avenue comply with applicable standards for local street right-of-way and pavement width as specified in SRC 803.025. Street A, Springer Avenue, Brooke Street and Crowley Street all exceed the maximum 12 percent grade allowed for a local street. The requested alternative street standard can be approved if the applicant can meet Fire Department Standards and condition 1 above.

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).

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, except for two cul-de-sac bulb areas where the sidewalk shifts to curbline, which is consistent with SRC 803.035(I). Generally, sidewalks along the frontage of lots platted for single family residential development are installed at the time of home construction. This allows eventual building permit applicants for single family dwellings to select driveway alignment and apron placement along the lot frontage prior to installing sidewalks.

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

Condition 5: Dedicate a 10-foot public utility easement along the street frontage of all internal streets.

SRC 803.040 (Boundary Streets): Denali Street SE and Springer Avenue SE are boundary streets, running along the southern and western frontage of the subject

property. Both streets are proposed to continue through the property and will meet standards as conditioned.

(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 no floodplain or floodway areas exist on the subject property.

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 Tree Conservation Plan for the subdivision identifies 221 trees (64%) for preservation and 343 trees (36%) for removal.

Of the 122 trees proposed for removal, no significant oaks were identified for removal.

The proposed tree conservation plan exceeds the minimum 25 percent preservation requirement under SRC Chapter 808.

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 (LWI) shows that there are no wetland areas or hydric soils mapped on the property.

SRC Chapter 810 (Landslide Hazards): 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 and/or geotechnical report.

A Geotechnical Engineering Report, prepared by GeoPacific and dated March 23, 2021, was submitted to the City of Salem with the subdivision application. This report demonstrates the subject property could be developed by implementing the mitigation measures provided in the report.

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 noncompliant 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 RS (Single Family Residential) zone SRC Chapter 511. 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: Water, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

Condition 6: Construct facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

As a condition of sewer service, all developments will be required to provide public sewer to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-ways across the property to adjoining properties, and across the street frontage of property to adjoining properties when the sewer main is located in the street right-of-way.

Condition 7: Extend a minimum 8-inch sewer main within Denali Avenue SE and Crowley Avenue SE to the northern line of the tentative subdivision.

The property is primarily located within the S-2 water service level; a small portion of the northern half of the property is located in the S-3 water service level. In accordance with the Salem Water System Master Plan, the applicant shall be required to extend watermains to adjoining undeveloped property to accommodate future development of adjacent parcels.

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. The applicant is conditioned above to meet SRC Chapter 71.

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 8: All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.

As 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: Denali Street SE and Springer Avenue SE meet pavement and right-of-way width requirements for their designations according to the Salem TSP. Crowley Avenue SE does not meet the improvement requirements of its classification according to the Salem TSP; however, this phase of development does not take access to Crowley Avenue SE. Development of Lot 46 may require a future connection to Crowley Street SE and require improvements.

The applicant's redevelopment plan within proposed Lot 46 indicates a connection to Crowley Avenue SE and the extension of Denali Street SE to the northern property line. The applicant submitted preliminary street profiles for these sections of streets, which need additional information to ensure these future street

alignments can be feasibly constructed to PWDS. The submitted street profiles show streets exceeding 12% grade allowed under SRC 803.035(c). Additionally, the grading plan and profiles show significant cuts into slopes that may not be feasible and require additional engineered design.

Condition 9: Prior to plat approval, provide an engineered design for the horizontal and vertical alignments of the following streets in compliance with PWDS for Lot 46:

- a. From the easterly terminus of existing Crowley Avenue SE to the northerly terminus of proposed Crowley Avenue SE.
- b. From the northerly terminus of proposed Denali Street SE to the north line of the subject property.

Condition 10: Construct internal streets to local street standards and in conformance with the City-approved design for future streets within Lot 46.

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. The proposed 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.

The proposal meets this criterion.

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: The subject property is served by the future Hilfiker Park, an undeveloped park site located less than a half-mile north of the subject property, and by Woodmansee Park, a developed park site located approximately a half-mile west of the subject property. Access to the park is available through the existing transportation system from Springer Avenue SE. A future connection to Crowley Avenue SE will further support bike and pedestrian access to the park.

A future Bike/Ped alignment is shown in the Salem TSP on future Local streets in the vicinity of the proposed development. This alignment is part of the Family Friendly Bikeway according to the Salem TSP, which can be provided through the future interconnected Local street system.

The proposed subdivision is situated within one-half mile of four neighborhood activity centers:

- Commercial development located at the intersection of Royvonne Avenue SE and Commercial Street SE is approximately one-quarter mile west of the closest lots within the proposed subdivision and includes several offices, and commercial use buildings.
- Commercial development located at the intersection of Commercial Street SE and Boone Road SE approximately one-quarter mile southwest of the closest lots within the proposed subdivision and includes several retail buildings.

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 (TIA) as part of the submittal package. The TIA demonstrates that the proposed development will not significantly impact intersections affected by the proposed development. The TIA demonstrates existing intersections have sufficient capacity and can efficiently handle the additional traffic generated by the development; no mitigation is recommended in the TIA. The Assistant City Traffic Engineer has reviewed the TIA and agrees with the findings.

SRC 200.010(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. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property, as conditioned. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC. The proposal meets this criterion.

SRC 200.010(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 residential development of the site while minimizing disruptions to topography, as conditioned. The City's tree preservation standards require that a minimum of 25 percent of existing trees with a diameter at breast height (dbh) of 10 inches or more be preserved. All of the trees on the subject property have been previously removed, there are no trees proposed for removal with this request. The proposal meets this criterion.

The proposal meets this criterion.

SRC 200.010(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; therefore, an Urban Growth Preliminary Declaration has been included in the application. As conditioned, the tentative subdivision plan can is designed to accommodate required on-site and off-site improvements.

6. Criteria for Granting an Urban Growth Preliminary Declaration

Salem Revised Code (SRC) 200.025(d) & (e) set forth the applicable criteria that must be met before an Urban Growth Preliminary Declaration may be issued. The following subsections are organized with approval criteria followed by findings identifying those public facilities that are currently in place and those that must be constructed as a condition of the Urban Growth Preliminary Declaration in order to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans.

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

- A. SRC 200.0025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:
- (1) The required facilities necessary to fully serve the development;
- (2) The extent to which the required facilities are in place or fully committed.
- B. SRC 200.025(e): The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.

Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

SRC 200.055—Standards for Street Improvements

<u>Findings</u>: An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for Local streets, or a minimum 34-foot improvement for Major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

Denali Street SE and Springer Avenue SE meet the "Linking Street" requirements of SRC 200.055(b)). Crowley Avenue SE does not meet the improvement requirements for linking streets; however, this phase of development does not take access to Crowley Avenue SE. Because no access is being taken to Crowley, and the development is served by two adequate linking streets, no additional improvements are required at this time. A future connection to Crowley Street SE may trigger Linking Street requirements.

SRC 200.060—Standards for Sewer Improvements

<u>Findings</u>: The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facilities are Crowley Avenue SE, Springer Avenue SE, and Denali Street SE. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a). As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels, discussed further below.

SRC 200.065—Standards for Storm Drainage Improvements

<u>Findings</u>: The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities, which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Springer Avenue SE and Denali Street SE. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

SRC 200.070—Standards for Water Improvements

Findings: The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The applicant shall provide linking water mains consistent with the *Water System Master Plan*

adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

SRC 200.075—Standards for Park Sites

<u>Findings</u>: The proposed development is served by Hilfiker Park, an undeveloped park site located less than one-half mile north of the subject property. The nearest existing developed park is Woodmansee Park, approximately one-half mile west of the subject property.

CONCLUSION

Based upon review of SRC 205.010(d), and SRC 200.025(e) and the findings presented herein, the Subdivision Tentative Plan, and Urban Growth Area Preliminary Declaration as proposed and conditioned, complies with the requirements for an affirmative decision.

<u>That Subdivision Tentative Plan, and Urban Growth Preliminary Declaration Case No.</u> 2022-13-SUB-UGA22-03, which includes the following request:

A Tentative Subdivision Plan (Jackson Ridge) and Urban Growth Preliminary Declaration to divide approximately 14.5 acres into 46 lots ranging in size from 4,629 square feet to 7,803 square feet. The subject properties are zoned RA (Residential Agriculture), and located at 1374 Crowley Avenue SE (Marion County Assessor Map and Tax Lot Numbers: 083W11CC / 100 and 2800).

Shall be GRANTED as follows:

Subdivision Tentative Plan and Urban Growth Area Preliminary Declaration Case No. 2022-13-SUB-UGA22-03 is hereby **APPROVED** subject to SRC Chapters 205 and 200, 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:

Condition 1: Prior to final plat, Fire Department turnaround shall be provided for any

dead end in excess of 150-feet.

Condition 2: No street shall exceed 12 percent grade for more than a 200-foot run or

all dwellings shall contain fire sprinklers.

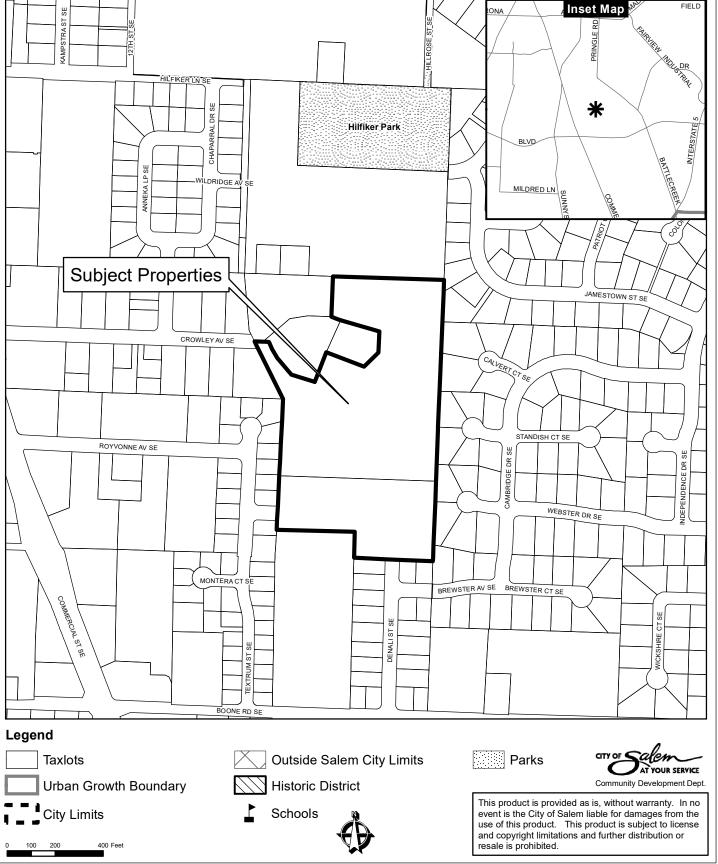
Condition 3: The designated front lot for corner lots are as follows:

Lot Number	Front Lot Line
Lot 19	East
Lot 20	East
Lot 34	West
Lot 33	West
Lot 39	South
Lot 40	North
Lot 45	South

- Condition 4: Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- **Condition 5:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
- **Condition 6:** Construct facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).
- **Condition 7:** Extend a minimum 8-inch sewer main within Denali Avenue SE and Crowley Avenue SE to the northern line of the tentative subdivision.
- **Condition 8:** All necessary (existing and proposed) access and utility easements must be shown on the final plat and recorded on the deeds to individual lots affected by such easements.
- **Condition 9:** Prior to plat approval, provide an engineered design for the horizontal and vertical alignments of the following streets in compliance with PWDS for Lot 46:
 - a. From the easterly terminus of existing Crowley Avenue SE to the northerly terminus of proposed Crowley Avenue SE.
 - b. From the northerly terminus of proposed Denali Street SE to the north line of the subject property.
- **Condition 10:** Construct internal streets to local street standards and in conformance with the City-approved design for future streets within Lot 46.

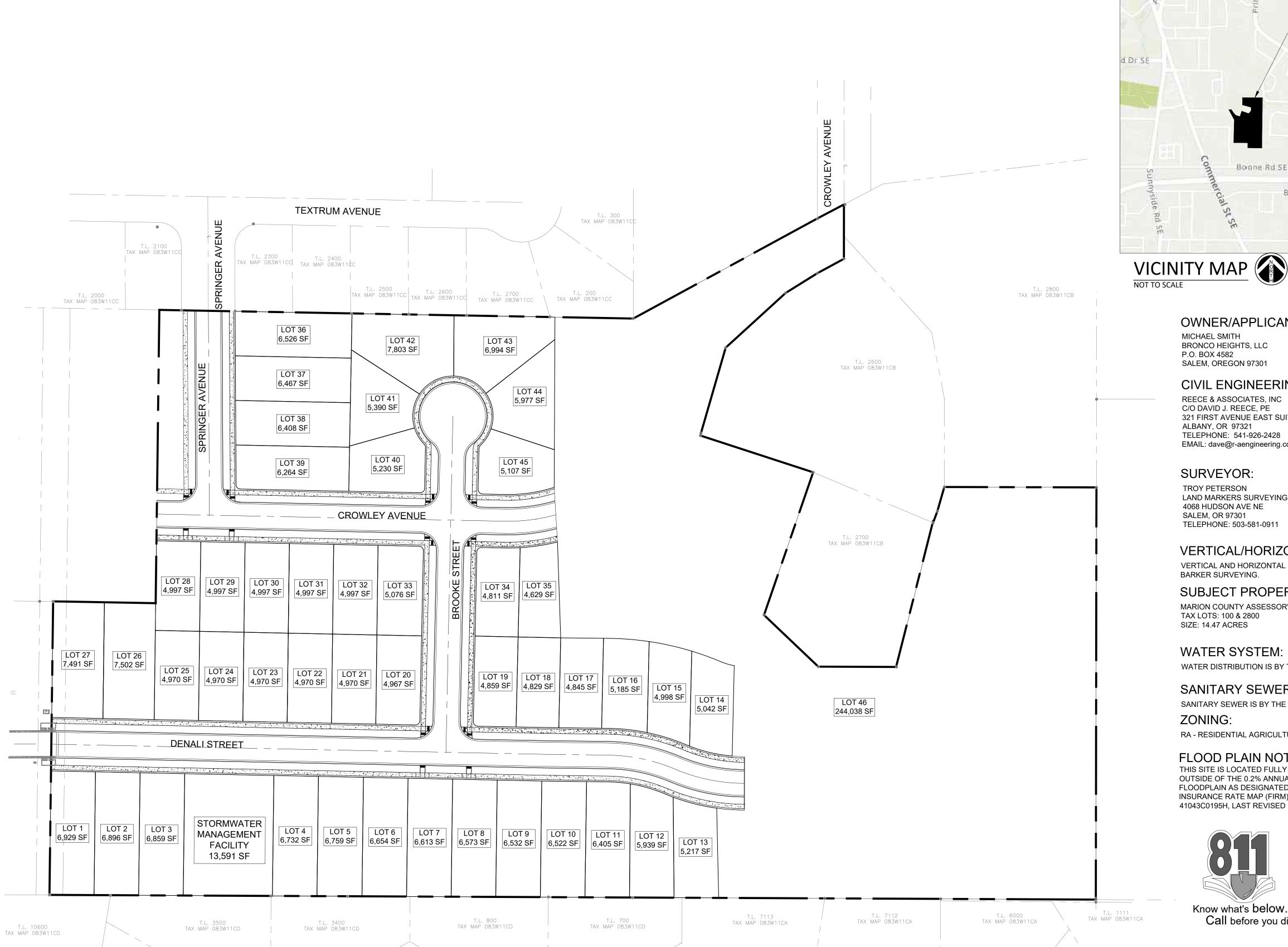
\\commdev\CDGroup\CD\PLANNING\CASE APPLICATION Files 2011-On\SUBDIVISION\2022\Planner Docs\SUB-UGA22-03.Facts and Findings.ocd.docx

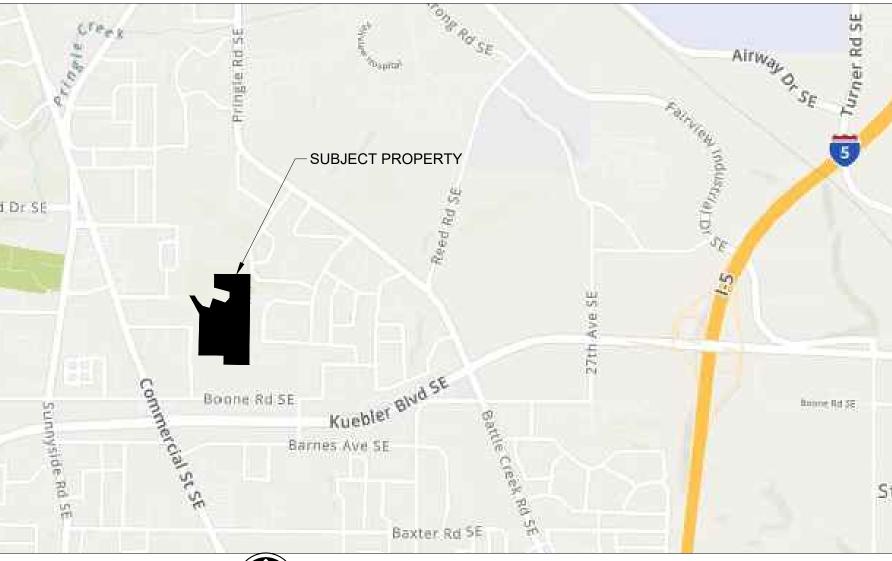
Vicinity Map 1374 Crowley Avenue SE



JACKSON RIDGE SUBDIVISION

SALEM, OREGON





OWNER/APPLICANT:

MICHAEL SMITH BRONCO HEIGHTS, LLC P.O. BOX 4582 SALEM, OREGON 97301

CIVIL ENGINEERING:

REECE & ASSOCIATES, INC C/O DAVID J. REECE, PE 321 FIRST AVENUE EAST SUITE 3A ALBANY, OR 97321 TELEPHONE: 541-926-2428 EMAIL: dave@r-aengineering.com

SURVEYOR:

TROY PETERSON LAND MARKERS SURVEYING, LLC 4068 HUDSON AVE NE SALEM, OR 97301 TELEPHONE: 503-581-0911

VERTICAL/HORIZONTAL DATA:

VERTICAL AND HORIZONTAL DATA PROVIDED BY BARKER SURVEYING.

SUBJECT PROPERTY:

MARION COUNTY ASSESSOR'S MAP: 083W11CB & 083W11CC TAX LOTS: 100 & 2800 SIZE: 14.47 ACRES

WATER SYSTEM:

WATER DISTRIBUTION IS BY THE CITY OF SALEM

SANITARY SEWER:

SANITARY SEWER IS BY THE CITY OF SALEM

ZONING:

RA - RESIDENTIAL AGRICULTURE

FLOOD PLAIN NOTE:

Call before you dig

THIS SITE IS LOCATED FULLY WITHIN ZONE "X", OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP (FIRM) NUMBER 41043C0195H, LAST REVISED DECEMBER 8TH, 2016.

SHEET INDEX

1.0 COVER SHEET

1.1 LEGEND AND SECTIONS

2.0 EXISTING CONDITIONS

3.2 TENTATIVE PLAN

3.3 SHADOW PLAT

3.0 LOT AND UTILITY LAYOUT

- 4.4 BROOKE STREET PLAN AND PROFILE
- 4.5 SPRINGER AND STREET A PLAN AND PROFILES

3.1 LOT AND UTILITY LAYOUT - SHADOW PLAT

4.0 DENALI STREET PROFILE STA 0+00 - 6+00

4.1 DENALI STREET PROFILE STA 6+00 - 11+76

4.3 CROWLEY AVENUE PROFILE 5+50 - 10+90

4.2 CROWLEY AVENUE PROFILE STA 0+00 - 5+50

- 5.0 TREE CONSERVATION PLAN
- 5.1 TREE CONSERVATION PLAN
- 5.2 TREE INVENTORY TABLE

AREA RATIONALE:

GROSS AREA: 630,785 SQ. FT. (14.5 ACRES) AREA IN LOTS: 525,135 SQ. FT. (12.1 ACRES) AREA IN R/W: 105,650 SQ. FT. (2.4 ACRES) # OF LOTS: 46 LOTS DENSITY: 7 UNITS / ACRE

ATTENTION EXCAVATORS:

OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. YOU MUST NOTIFY THE CENTER AT LEAST TWO BUSINESS DAYS BUT NOT MORE THAN TEN BUSINESS DAYS BEFORE COMMENCING AN EXCAVATION. CALL: 800-668-4001

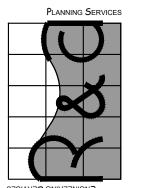


GRAPHIC SCALE 1 inch = 60 ft

SITE PLAN

SCALE: 1" = 60'

PRELIMINARY - NOT FOR CONSTRUCTION





SUBDIVISION RID BRON SA JACKSON

PLAN REVISIONS No. | DATE | BY

R&a PROJECT NO.

BHL2101 DATE | 02/04/2022 DESIGNED | A. HERRMANN ENGINEER | D. REECE CHECKED | H.WOOTON SCALE | AS INDICATED

SHEET NUMBER ——

Page Break

555 Liberty St SE Salem, OR 97301

CITY OF SALEM



Staff Report

 File #:
 22-363

 Version:
 1

 Item #:
 3.3c.

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Michele Bennett, Human Resources Operations Manager

SUBJECT:

Executive Management Compensation.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods Result Area(s): Good Governance.

SUMMARY:

Human Resources completed a compensation review for Executive Management (department directors) and found that pay inequality, pay inequity, and compression exists between the executive positions and their subordinate classifications. A pay grade adjustment is recommended to the Executive Management pay plan along with creating pay grades with steps like the non-represented pay plan structure, and establishing an annual cost-of-living adjustment (COLA) minimally equivalent to the same COLA for non-represented staff as determined by the City Manager. These compensation changes for Executive Management are to ensure fairness and consistency with pay and merit increases and follow the guidance of the City's Compensation Philosophy to maintain a fifteen percent compression level between department directors and their direct reports.

ISSUE:

Shall City Council approve a five percent (5%) pay grade adjustment to the Executive Management pay plan, with creation of a thirteen step pay grade with four percent (4%) between steps, and establish annual cost-of-living adjustments minimally equivalent to the non-represented group to be determined by the City Manager beginning July 1, 2022, to address pay inequity, inequality, and compression issues?

 File #:
 22-363

 Version:
 1

 Item #:
 3.3c.

RECOMMENDATION:

Approve a five percent (5%) pay grade adjustment for the Executive Management pay plan, with creation of a thirteen step pay grade with four percent (4%) between steps, and establish annual cost-of-living adjustments minimally equivalent to the non-represented group to be determined by the City Manager beginning July 1, 2022 to address pay inequity, inequality, and compression issues.

FACTS AND FINDINGS:

As part of the 5-year classification review cycle following the City's new process for non-represented jobs and the City's Compensation Philosophy, the Executive Management group (department directors) compensation structure was reviewed. Currently, Executive Management compensation consists of a minimum and maximum salary range with a thirteen percent spread at each level (Executive, Public Safety, and General/Internal). Department directors, when appointed, are given a rate of pay within that range. The Executive Management pay plan was last updated in 2016.

Currently, there is no process or system to apply regular pay adjustments or annual cost-of-living adjustments to Executive Management other than at the City Manager's discretion. Review of past changes found inconsistencies in pay adjustments from date of appointment and forward, with irregular timing or disparate amounts provided in some cases. Additionally, pay compression of seven percent (7%) was found to exist between some Executive Management directors and subordinate direct report classifications. The City's Compensation Philosophy is to strive to be within 15% between Executive Management and direct subordinate classifications such as Assistant Director level, Deputy Chiefs, or Division Manager job classifications.

Adjusting the Executive Management pay plan by five percent starting at the minimum pay range, and creating a thirteen step pay grade for each of the three levels (with 4% between steps) will establish an equitable system for designating pay at appointment and for regular annual pay adjustments until the top step is achieved. This will resolve pay disparity issues and ensure a consistent application of pay adjustments based on years of service in alignment with the rest of the City's compensation structure for employees and address compression issues. Department directors pay will advance to the next closest step on the new pay plan at time of their anniversary date.

Establishing a consistent practice to provide the same COLA adjustment every July 1st to Executive Management to be minimally equivalent to what the non-represented employees receive, per the City Manager's discretion, will ensure that an adequate compression tolerance level of 15% is maintained between all department directors and their subordinate staff. The annual COLA will be applied to each step of the Executive Management pay plan.

Further, in order to avoid pay inequity, inequality, and compression issues in the future, the compensation of new executives will be determined based upon pay equity laws and the City of Salem's Compensation Philosophy.

The recommended pay adjustments for Executive Management pay plan include the following:

1. Increase the Executive level pay grade (City Attorney, Enterprise Services Director, and Public

 File #:
 22-363

 Version:
 1

 Item #:
 3.3c.

Works Director) from \$11,567 - \$18,363 per month to \$12,145 - \$19,445 per month.

- 2. Increase the Public Safety level pay grade (Fire Chief and Police Chief) from \$11,307 \$17,950 per month to \$11,872 \$19,008 per month.
- 3. Increase the General/Internal level pay grade (Chief Financial Officer, Community Development Director, and Urban Development Director) from \$9,875 \$15,676 per month to \$10,369 \$16,601 per month.
- 4. Establish an annual cost-of-living adjustment minimally equivalent to what is given to the non-represented employees every July 1st. The non-represented employees received three percent (3%) COLA and it is recommended the Executive Management receive the same COLA retroactive to July 1, 2022, to be applied to every step of the new pay plan.
- 5. Ensure a fifteen percent compression tolerance is maintained between Executive Management and their direct subordinate reports.

The anticipated fiscal impact of the proposal is approximately \$56,669 for the current fiscal year. The additional cost will be absorbed within departmental budgets. The new pay plan will be implemented throughout the fiscal year on anniversary dates to lessen the budgetary impact.

Additionally, Human Resources anticipates bringing forward a recommendation to City Council soon to establish a similar compensation philosophy and market adjustment for the City Manager position.

BACKGROUND:

As part of the new five-year classification and compensation review, Human Resources identified represented and non-represented classifications with pay compression issues and implemented recommendation for pay grade adjustments either through the budget process or brought other staff reports over the past year for Council approval. At that time, the Executive Management compensation was still being analyzed for pay equity and compression issues.

Allison Pavelek Sr. Human Resources Analyst

Attachments:

1. None.

Page Break

555 Liberty St SE Salem, OR 97301

CITY OF SALEM



Staff Report

 File #:
 22-343

 Version:
 1

 Item #:
 4.a.

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Peter Fernandez, PE, Public Works Director

SUBJECT:

Public hearing regarding vacation of three easements adjacent to Reed Road SE at its intersections with Strong Road SE and Lindburg Road SE.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside

Result Area(s): Safe, Reliable, and Efficient Infrastructure

SUMMARY:

Street improvements are being constructed on Reed Road SE in the vicinity of Strong Road SE and Lindburg Road SE associated with a residential development project. Three existing easements are located within the area needed for the roadway improvement. The easements must be vacated for the property owner to dedicate the improved street to the City as public right-of-way.

ISSUE:

Shall City Council approve the vacation of three easements adjacent to Reed Road SE at its intersections with Strong Road SE and Lindburg Road SE?

RECOMMENDATION:

Approve the vacation of three easements adjacent to Reed Road SE at its intersections with Strong Road SE and Lindburg Road SE.

FACTS AND FINDINGS:

Resolution 2022-325 (Attachment 1) initiating the vacation was adopted by Council on May 9, 2022.

 File #:
 22-343

 Version:
 1

 Liter #:
 4.a.

The City Council may initiate a right-of-way vacation proceeding per *Oregon Revised Statute* 271.130.

The Salem Revised Code (SRC) 255.065(b)(1)(B) establishes that a vacation initiated by the City is a Class 2 Vacation. A Class 2 Vacation is initiated by resolution of the City Council.

Notice of the proposed vacation was sent to all potentially affected public utilities. Portland General Electric (PGE) was the only utility to respond to the notice. They indicated that they would not need to reserve any easement rights at the locations proposed for easement vacation.

Approval Criteria

The Salem Transportation System Plan (Salem TSP) establishes the goals, policies, and objectives for planning, development, and operation of its street system. SRC 255.065(b)(6) implements these goals, policies, and objectives by establishing the criteria for approving the vacation of public right-of -way. The eight criteria are listed below along with findings that detail how each criterion is met.

(A) The area proposed to be vacated is not presently, or will not in the future be needed for public services, facilities, or utilities;

FINDING:

Transportation: The proposed vacation will not degrade transportation services or accessibility in the surrounding neighborhood. The easements to be vacated are located within area needed for roadway improvement (see Attachment 2, Vicinity Map) and will be dedicated to the City as public right-of-way. The vacation complies with this criterion.

Utilities: Street improvements are being constructed as part of a residential development project (The Grove Apartments). The City is working with the developer on the location of utilities as part of the street improvements. The vacation complies with this criterion. PGE has utilities in this area, but they confirmed with the City that the vacation of these easements does not negatively impact their ability to operate utilities at this location.

(B) The vacation does not prevent the extension of, or the retention of public services, facilities, or utilities;

FINDING: The City is working with the developer on the placement of all utilities related to the street improvements required as part of the development of The Grove Apartments. Street improvements and utility placement are being executed according to the City's development standards. PGE has verified that they will be able to continue to operate their utility upon vacation of the subject easements. The vacation complies with this criterion.

(C) Public services, facilities, or utilities can be extended in an orderly and efficient manner in an alternate location;

 File #:
 22-343

 Version:
 1

 Liter #:
 4.a.

FINDING: The easements being vacated are in areas that will be dedicated back to the City as public right-of-way. The right-of-way will be part of a street improvement to be constructed according to the City's development standards. No public services, facilities, or utilities will be negatively impacted. The vacation complies with this criterion.

(D) The vacation does not impede the future best use, development of, or access to abutting property;

FINDING: The easements to be vacated are in areas that will be dedicated back to the City as public right-of-way. The right-of-way will accommodate street improvements and utilities that are all constructed according to City development standards. No access issues are being created by this vacation. The vacation complies with this criterion.

(E) The vacation does not conflict with provisions of the Unified Development Code, including the street connectivity standards and block lengths;

FINDING: This vacation is eliminating three existing easements that will be dedicated back to the City as public right-of-way. The right-of-way is along existing roads that are being improved. No connectivity or block length changes will take place as a result of this vacation. The vacation complies with this criterion.

(F) All required consents have been obtained;

FINDING: Vacations following ORS 271.080-271.130 and the SRC 255.065 Class 2 proceedings do not require the consent of abutting property owners if the proposed vacation of right-of-way will not substantially affect the market value of the abutting property such that it will lower the market value of the abutting property. The proposed vacation of right-of-way will not substantially affect the market value of the abutting property such that it would lower the market value; any impact would be to increase the market value of the abutting property.

City-initiated vacations do not require the consent of owners of property within the "Affected Area;" however, vacations may not be approved if the majority of the affected owners, as computed on the basis provided in ORS 271.080, object in writing to the vacation.

No letters have been received from abutting or affected property owners regarding the proposed vacation. The proposed vacation complies with this criterion.

(G) Notices required by ORS 271.080-271.130 have been duly given;

FINDING: Notice of Public Hearing was provided as required by ORS 271.080-271.130. Notice was posted at the site on July 25, 2022, and published in the *Statesman-Journal* on July 25, 2022, and August 1, 2022.

(H) The public interest would not be prejudiced by the vacation;

 File #:
 22-343

 Version:
 1

 Litem #:
 4.a.

FINDING: Vacation of these easements, which will be dedicated back to the City as public right-of-way, is compatible and consistent with the intent, goals, and policies of the Salem TSP and the SRC. The proposed vacation complies with this criterion.

BACKGROUND:

Street improvements are being constructed on Reed Road SE in the vicinity of Strong Road SE and Lindburg Road SE as part of The Grove Apartments. The City has expanded the scope of street and utility improvements and is working with the developer on the road improvement project through cost-sharing with City-controlled Development District Funds. Three existing easements are located within the area that are needed for the roadway improvement. These easements are located within areas that will be dedicated to the City as public right-of-way. The vacation is necessary because the City cannot accept dedication of right-of-way that is encumbered with easements.

Robert D. Chandler, PhD, PE Assistant Public Works Director

Attachments:

- 1. Resolution No. 2022-25
- 2. Vicinity Map

RESOLUTION NO. 2022-25

A RESOLUTION INITIATING A CLASS 2 VACATION OF TWO PUBLIC UTILITY EASEMENTS AND ONE SIDEWALK EASEMENT ADJACENT TO REED ROAD SE AT ITS INTERSECTIONS WITH STRONG ROAD SE AND LINDBURG ROAD SE.

Whereas, Reed Road SE between Strong Road SE and Lindburg Road SE is to be improved to City standards as part of a residential development project; and

Whereas, three existing public utility and sidewalk easements must be vacated in order for the developer to dedicate the improved street back to the City; and

Whereas, the City Council may initiate a Class 2 vacation by adopting a resolution pursuant to SRC 255.065(b)(1)(B);

NOW, THEREFORE, THE CITY COUNCIL OF SALEM, OREGON, RESOLVES AS FOLLOWS:

Section 1. Pursuant to SRC 255.065(b)(1)(B), City Council hereby initiates a Class 2 vacation of two public utility easements and one sidewalk easement adjacent to Reed Road SE at its intersections with Strong Road SE and Lindburg Road SE;

Section 2. Legal descriptions and maps of the proposed areas to be vacated are attached hereto and incorporated herein by this reference as set forth in Exhibit A-1, A-2, A-3, B-1, B-2, and B-3.

Section 3. Notice of this proposed vacation and a public hearing shall comply with SRC 255.065(b)(5);

Section 4. This resolution is effective upon adoption.

ADOPTED by the City Council this 9th day of May, 2022.

ATTEST:

City Recorder	
Approved by City Attorney:	

Checked by: A. Gamallo

EXHIBIT A-1

Legal Description For:
Vacation of Public Sidewalk Easement
Granted in Partition Plat 2014-3

A strip of land, variable in width, situated in the northeast one-quarter of Section 11, Township 8 South, Range 3 West of the Willamette Meridian, in the City of Salem, Marion County, Oregon, being a portion of Parcel 1 of Partition Plat 2019-67, as platted and recorded in the Marion County Book of Partition Plats, said strip being more particularly described as follows:

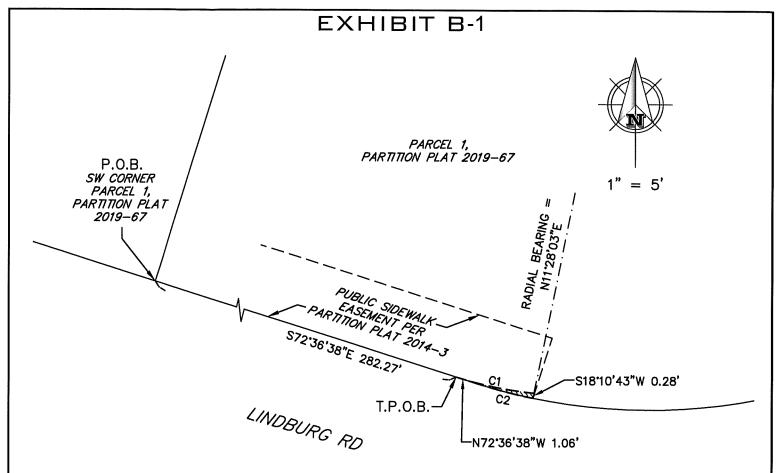
- Beginning at the southwest corner of said Parcel 1, Partition Plat 2019-67, said point being on the northerly right of way of Lindburg Road; thence South 72°36′38″ East 282.27 feet along said northerly right of way to the TRUE POINT OF BEGINNING of this description; and running thence:
- leaving said northerly right of way, Southeasterly along the arc of a 20.00-foot radius curve to the left (the chord of which bears South 78°36′31″ East 4.18 feet) 4.18 feet to a point on the east edge of that Public Sidewalk Easement granted in Partition Plat 2014-3 (specifically in Parcel 3 of said plat), as platted and recorded in the Marion County Book of Partition Plats;
- thence South 17°24′01" West 0.28 feet along said east edge to the southeast corner of said Public Sidewalk Easement, said point being on the aforementioned northerly right of way of Lindburg Road, said point being the beginning of a 30.00-foot radius non-tangent curve concave to the Northeast;
- thence Northwesterly along the arc of said non-tangent curve to the right (whose radius point bears North 11°28′03″ East and the chord of which bears North 75°34′18″ West 3.10) 3.10 feet along said northerly right of way to a point of tangency;
- thence North 72°36′38″ West 1.06 feet along said northerly right of way to the TRUE POINT OF BEGINNING, containing 0.44 square feet of land, more or less.

Bearings hereon are based on Partition Plat 2019-67 (specifically along the northerly right of way of Lindburg Road)

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 19, 1994
GREGORY L. WILSON
2607

EXPIRES: 6.30-22



LEGEND

P.O.B. = POINT OF BEGINNING

T.P.O.B. = TRUE POINT OF BEGINNING

CURVE TABLE						
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING & DIST.		
C1	20.00'	11°59'47"	4.19'	S78'36'31"E 4.18'		
C2	30.00'	05'55'19"	3.10'	N75°34'18"W 3.10'		

PEED PO (MP 25)

PUBLIC SIDEWALK EASEMENT VACATION

VACATION AREA = 0.44 SQ FT

0' 5' 10'

OWNER:

MWIC GROVE 2 LLC 201 FERRY ST. SE SUITE 400 SALEM, OR 97301 N.E. 1/4 SEC. 11, T. 8 S., R. 3 W., W.M., CITY OF SALEM, MARION COUNTY, OREGON

R. 4541, P. 37, MCDR

REGISTERED PROFESSIONAL LAND SURVEYOR

O R E G O N JULY 19, 1994 GREGORY L. WILSON 2687

EXPIRES: 6/30/2022

BARKER SURVEYING 3657 KASHMIR WAY SE SALEM, OREGON 97317 PHONE (503) 588-8800

> DATE: 3/30/2022 DRAWN BY R.J.C.

EXHIBIT A-2

Legal Description For: Vacation of Public Utility Easement Granted in the Plat of LINDBURG GREEN

A strip of land, variable in width, situated in the northeast one-quarter of Section 11, Township 8 South, Range 3 West of the Willamette Meridian, in the City of Salem, Marion County, Oregon, being a portion of Parcel 1 of Partition Plat 2019-67, as platted and recorded in the Marion County Book of Partition Plats, said strip being more particularly described as follows:

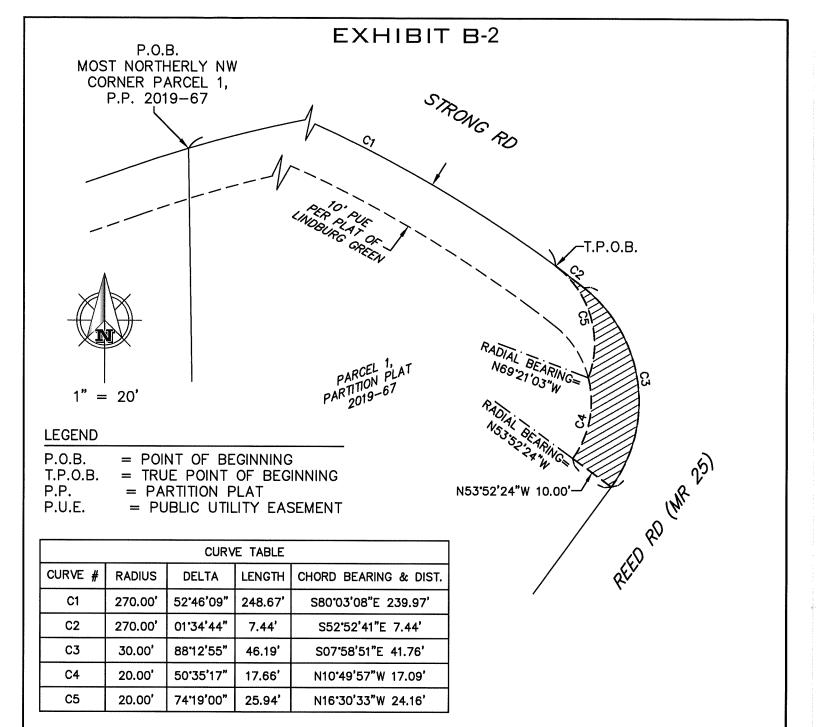
- Beginning at the most Northerly northwest corner of said Parcel 1, Partition Plat 2019-67, said point being on the southerly right of way of Strong Road; thence Southeasterly along the arc of a 270.00-foot radius curve to the right (whose radius point bears South 16°26′12″ East and the chord of which bears South 80°03′08″ East 239.97 feet) 248.67 feet along said southerly right of way to the TRUE POINT OF BEGINNING of this description; and running thence:
- Southeasterly along the arc of a 270.00-foot radius curve to the right (the chord of which bears South 52°52′41″ East 7.44 feet) 7.44 feet along said southerly right of way to a point of compound curve;
- thence Southeasterly along the arc of a 30.00-foot radius curve to the right (the chord of which bears South 07°58′51″ East 41.76 feet) 46.19 feet along said southerly right of way to a point on the northwesterly right of way of Reed Road (Market Road 25), said point being the southeasterly corner of a Public Utility Easement granted in the plat of LINDBURG GREEN (specifically in Tract A of said plat), as platted and recorded in Volume H47, Page 24, Book of Town Plats for Marion County, Oregon;
- thence North 53°52′24" West 10.00 feet along the southerly edge of said Public Utility Easement to the beginning of a 20.00-foot radius non-tangent curve concave to the West;
- thence Northwesterly along the arc of said non-tangent curve to the left (whose radius point bears North 53°52′24" West and the chord of which bears North 10°49′57" West 17.09 feet) 17.66 feet along said southerly edge of easement to a point of cusp, with a 20.00-foot radius non-tangent curve being concave to the West;
- thence leaving said southerly edge along the arc of said non-tangent curve to the left (whose radius point bears North 69°21′03″ West and the chord of which bears North 16°30′33″ West 24.16 feet) 25.94 feet to the TRUE POINT OF BEGINNING, containing 320 square feet of land, more or less.

Bearings hereon are based on Partition Plat 2019-67

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 19, 1994 GREGORY L. WILSON 2687

EXPIRES: 6.30-22



PUBLIC UTILITY EASEMENT VACATION

VACATION AREA = 320 SQ FT

0' 20' 40'

OWNER: MWIC GROVE 2 LLC 201 FERRY ST. SE SUITE 400 SALEM, OR 97301

N.E. 1/4 SEC. 11, T. 8 S., R. 3 W., W.M., CITY OF SALEM, MARION COUNTY, OREGON

R. 4541, P. 37, MCDR

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRES: 6/30/2022

BARKER SURVEYING 3657 KASHMIR WAY SE SALEM, OREGON 97317 PHONE (503) 588-8800

> DATE: 3/30/2022 DRAWN BY R.J.C.

EXHIBIT A-3

Legal Description For: Vacation of Public Utility Easement Granted in Partition Plat 2014-3

A strip of land, variable in width, situated in the northeast one-quarter of Section 11, Township 8 South, Range 3 West of the Willamette Meridian, in the City of Salem, Marion County, Oregon, being a portion of Parcel 1 of Partition Plat 2019-67, as platted and recorded in the Marion County Book of Partition Plats, said strip being more particularly described as follows:

- Beginning at the southwest corner of said Parcel 1, Partition Plat 2019-67, said point being on the northerly right of way of Lindburg Road; thence South 72°36′38″ East 283.33 feet along said northerly right of way to a point of curvature; thence Southeasterly along the arc of a 30.00-foot radius curve to the left (the chord of which bears South 75°34′18″ East 3.10 feet) 3.10 feet along said northerly right of way to the southeast corner of that Public Sidewalk Easement granted in Partition Plat 2014-3 (specifically in Parcel 3 of said plat), as platted and recorded in the Marion County Book of Partition Plats, and the TRUE POINT OF BEGINNING of this description; and running thence:
- North 17°24′01" East 0.28 feet along the east edge of said Public Sidewalk Easement to the beginning of a 20.00-foot radius non-tangent curve concave to the Northwest;
- thence leaving said east edge, Northeasterly along the arc of said non-tangent curve to the left (whose radius point bears North 05°23′35″ East and the chord of which bears North 56°25′30″ East 25.16 feet) 27.20 feet to a point of tangency;
- thence North 17°27′24″ East 3.61 feet to a point on the northwesterly edge of a Public Utility Easement granted in the aforementioned Partition Plat 2014-3 (specifically in Parcel 3 of said plat), said point being the beginning of a 20.00-foot radius non-tangent curve concave to the Northwest;
- thence Northeasterly along the arc of said non-tangent curve to the left (whose radius point bears North 53°53'43" West and the chord of which bears North 26°47'00" East 6.48 feet) 6.51 feet along said northwesterly edge of said Public Utility Easement to an angle point thereof;
- thence South 72°32′18" East 10.00 feet along the northeasterly edge of said easement to a point on the northwesterly right of way of Reed Road (Market Road 25), said point being the beginning of a 30.00-foot radius non-tangent curve concave to the Northwest;
- thence Southwesterly along the arc of said non-tangent curve to the right (whose radius point bears North 72°32′18″ West and the chord of which bears South 59°27′52″ West 40.15 feet) 43.99 feet along said northwesterly right of way to the TRUE POINT OF BEGINNING, containing 219 square feet of land, more or less.

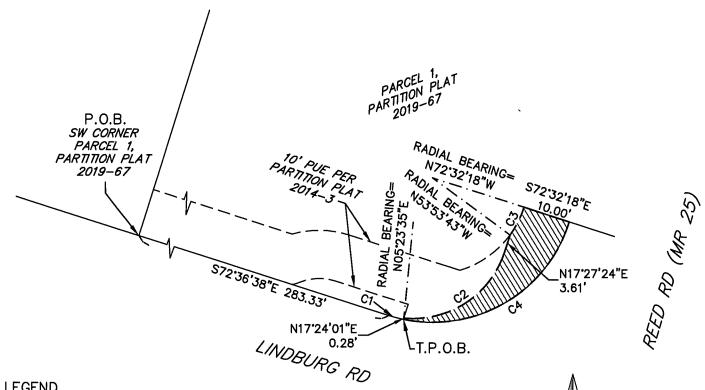
Bearings hereon are based on Partition Plat 2019-67 (specifically along the northerly right of way of Lindburg Road)

REGISTERED PROFESSIONAL LAND SURVEYOR

V OAEGON JULY 19, 1994 GREGORY L. WILSON

EXPIRES: 6-30-22

EXHIBIT B-3



LEGEND

P.O.B. = POINT OF BEGINNING T.P.O.B. = TRUE POINT OF BEGINNING P.U.E. = PUBLIC UTILITY EASEMENT

CURVE TABLE							
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING & DIST.			
C1	30.00'	05'55'19"	3.10'	S75'34'18"E 3.10'			
C2	20.00'	77*56'51"	27.20'	N56'25'30"E 25.16'			
С3	20.00'	18'38'35"	6.51'	N26'47'00"E 6.48'			
C4	30.00'	84'00'21"	43.99'	S59°27'52"W 40.15'			



1" = 20'

PUBLIC UTILITY EASEMENT **VACATION**

VACATION AREA = 219 SQ FT

0' 20' 40'

OWNER: MWIC GROVE 2 LLC 201 FERRY ST. SE SUITE 400 **SALEM, OR 97301**

N.E. 1/4 SEC. 11, T. 8 S., R. 3 W., W.M., CITY OF SALEM. MARION COUNTY, OREGON

R. 4541, P. 37, MCDR

REGISTERED **PROFESSIONAL** LAND SURVEYOR

ORÉGON JULY 19, 1994 GREGORY L. WILSON 2687

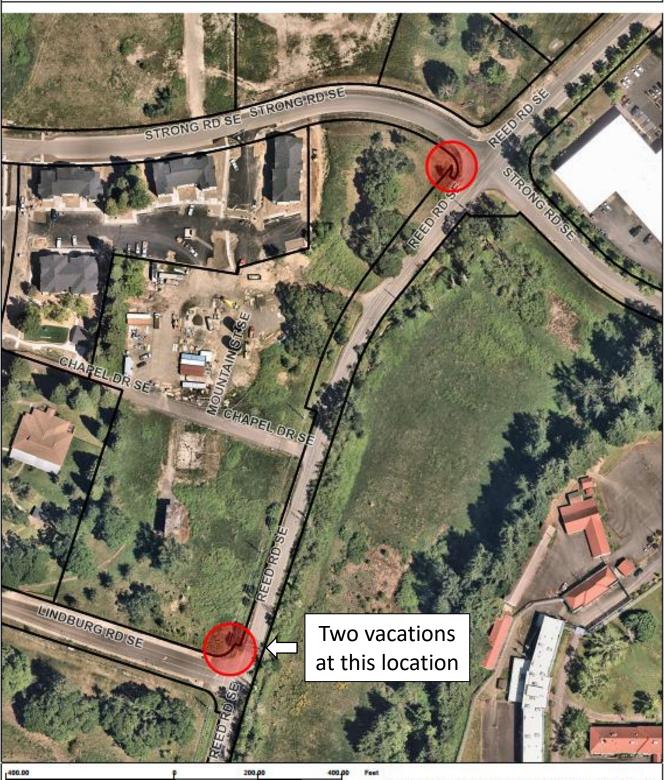
EXPIRES: 6/30/2022

BARKER SURVEYING 3657 KASHMIR WAY SE SALEM, OREGON 97317 PHONE (503) 588-8800

> DATE: 3/30/2022 DRAWN BY R.J.C.



Reed Rd. SE Easement Vacations



WGS_1984_Web_Mercator_Auxiliary_Sphere City of Salem, Oregon. This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

NOT TO BE USED FOR NAVIGATION

Page Break

555 Liberty St SE Salem, OR 97301

CITY OF SALEM



Staff Report

 File #:
 22-339

 Version:
 1

 Item #:
 6.a.

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Josh Eggleston, Chief Financial Officer

SUBJECT:

Purchases approved administratively from June 1, 2022 through June 30, 2022.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods Result Area(s): Good Governance

SUMMARY:

Specific awards and the sources of funds for all contracts administratively awarded, renewed, or modified during the month of June. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual contracts.

ISSUE:

Monthly purchasing activity report presented for City Council review.

RECOMMENDATION:

Information only.

FACTS AND FINDINGS:

The attached purchases, renewals, and modifications were approved administratively during the month of June.

BACKGROUND:

The Interim City Manager, or her designee, approves administrative awards, renewals, and

 File #:
 22-339

 Version:
 1

 Item #:
 6.a.

modifications of contracts through the review of the Weekly Purchasing Report presented by the Contracts and Procurement Manager. All completed procurement transactions valued at \$25,000 and above that have been recommended for award by user departments are presented in the Weekly Purchasing Report and reviewed for compliance with the City's Public Contracting Rules.

Shawna Self, NIGP-CPP, CPPB Contracts and Procurement Manager

Attachments:

1. Purchases approved administratively June 2022

Category I: Current Fiscal Year Procurement Contracts

	Business Entity	Dept.	Description	Contract Amount	Fund
1	Travel Salem	CD	Tourism Marketing & Visitor Services, FY 21/22 (Change Order No. 1) ¹	\$450,000.00 \$200,000.00	
2	Aaken Corporation, Inc.	PW	2022 New Streetlight Installations	\$185,115.00	CI
3	Buell Recreation	PW	Wallace Marine Park Playground Purchase and Installation (Cooperative Agreement)	\$59,073.00	CI
4	Howard S. Wright	PW	Design Build Services for the Public Works Operations Building (Change Order No. 5) ²	\$904,708.00	CI
5	HP Civil, Inc.	PW	Turner Lower Booster Pump Station	\$944,895.00	CI
6	Michels Corporation	PW	Norway Storm St NE & Baker St NE Liner (Change Order No. 1) ³	\$26,150.32	CI
7	Slayden Constructors Inc.	PW	Construction Manager / General Contractor Services for Geren Island Filter No. 2 Reconstruction (Change Order No. 3) ⁴	\$6,196,227.00	CI
8	MCM Technologies LLC	WVCC	Commshop Enterprise Class Asset and Work Order Management Software (Sole Source)	\$87,975.00	CS
9	US Digital Designs	WVCC	Fire Alerting System, Annual Maintenance (Sole Source)	\$42,428.61	CS
10	WECO	ES-Fleet	Fuel: Unleaded and Diesel, FY 21/22 (Change Order No. 1) ⁵	\$200,000.00	CS
11	Gelco Construction Company	PW	Bill Riegel Park Phase 2 Site Improvements	\$408,540.00	ECF
12	Northstar Electrical Contractors	PW	Signal Enhancements Unit 1	\$265,479.00	ECF
13	Dell Marketing LP	IT	Software Purchases, Software Licensing and Services, and Software Maintenance, FY 21/22 (Change Order No. 1) ⁶	\$90,500.00	G
14	Justice Systems, Inc.	IT	Full Court Software Annual Maintenance (Sole Source)	\$36,077.00	G
15	Kone Inc.	ES- Facilities	Elevator Maintenance and Repair Services, FY 21/22 (Change Order No. 3) ⁷	\$60,368.40	G
16	Mountain View Tree Service	PW	Tree Removal City Wide, FY 21/22 (Change Order No. 3) ⁸	\$65,000.00	G

17	San Diego Police Equipment Co., Inc.	Police	Ammunition (Cooperative Agreement)	\$95,750.70	G
18	Sea Western	Fire	Turnouts, FY 21/22 (Change Order No. 1) ⁹	\$61,000.00	G
19	ServiceMaster of Salem	PW	Cleaning and BioHazard Loss, FY 21/22 (Change Order No. 2) ¹⁰	\$28,000.00	PW
20	Salem Electric	Citywide	Electricity, FY 21/22 (Change Order No. 2) ¹¹	\$50,000.00	Various

175 C & T = Cultural and Tourism	\$450,000.00
255 CI = Capital Improvement Fund	\$8,316,168.32
355 CS = City Services Fund	\$330,403.61
260 ECF = Extra Capacity Facilities Fund	\$674,019.00
101 G = General Fund	\$408,696.10
155 PW = Public Works Fund	\$28,000.00
177 TPA = Tourism Promotion Area	\$200,000.00
Various = Various	\$50,000.00
TOTAL, CATEGORY 1	\$10,457,287.03

END NOTES TO CHANGE ORDERS:

- **1. Change Order No. 1 adds \$650,000:** Provides for unanticipated TOT and TPA fee collection in fiscal year 2021-22.
- **2.** Change Order No. 5 adds \$904,708: Provides for an increase for Builders Risk insurance; revisions to landscape and exterior; and mechanical and fire protection.
- **3.** Change Order No. 1 adds \$26,150.32: Provides with additional work items: Install cementitious liner, clean/TV/laser profile/root removal, cut-out middle portion of 24-inch pipe, and a deduction for no-double-transition liner.
- **4.** Change Order No. 3 adds \$6,196,227: Provides for concrete and rebar, a 42-inch valve, metals, and some civil work. It also includes general condition costs, CM/GC fees, bonds, insurance, contingency, and markup on self-performed as allowed by the agreement.
- **5. Change Order No. 1 adds \$200,000:** Provides for the increase in fuel costs.
- **6. Change Order No. 1 adds \$90,500:** Provides for the high volume of year end software requests and to accommodate the Microsoft Enterprise License Agreement renewal.
- **7. Change Order No. 3 adds \$60,368.40:** Provides for elevator repair to west elevators at Chemeketa #3 and #4 to be in compliance with State law.
- **8. Change Order No. 3 adds \$65,000:** Underestimated usage for fiscal year 2021-22.
- 9. Change Order No. 1 adds \$61,000: Provides for additional turnouts needed for fiscal year 2021-22.
- 10. Change Order No. 2 adds \$28,000: Underestimated usage for fiscal year 2021-22.
- 11. Change Order No. 2 adds \$50,000: Underestimated usage for fiscal year 2021-22.

Category II: Annual Requirement Contracts

The following Category II Annual Requirement Contracts were approved administratively during the month of June 2022. The not-to-exceed contract amounts are competitively set by applying bidder's/proposer's per unit price(s) to estimated annual requirement quantities. These contracts carry no guarantee for quantity of units purchased or services performed during any annual contract period. Both the bids and the contracts themselves state that the City retains the right to not award contracts and/or change contract amounts, both dollar and quantity, based on specific Council/Budget Committee actions/decisions. These are non-exclusive, one-year contracts that may be renewed for up to four additional one-year renewal periods.

	Business Entity	Dept.	Description	Contract Amount	Fund
1	Day Wireless Services	ES-Fleet	Vehicle Upfit Services, FY 22/23	\$300,000.00	CS
2	Petrocard	ES-Fleet	Fuel: Unleaded and Diesel, FY 22/23	\$600,000.00	CS
3	Brown Contracting, Inc.	PW	Concrete Installation Repair and Maintenance Services, FY 22/23	\$50,000.00	G
4	Kone Inc.	ES- Facilities	Elevator Maintenance and Repair Services, FY 22/23 (Cooperative Agreement)	\$50,000.00	G
5	Mountain View Tree Service	PW	Tree Removal City Wide, Primary Provider, FY 22/23	\$50,000.00	G
6	Pacific Sports Turf, Inc.	PW	Sports Field Renovation & Maintenance, FY 22/23 (Cooperative Agreement)	\$75,000.00	G
7	R & R Tree Service	PW	Tree Removal City Wide, Alternate Provider, FY 22/23	\$50,000.00	G
8	US Department of Agriculture - USDA, Aphis, Wildlife Services	UD	Wildlife Management Assistance, FY 22/23 (Intergovernmental Agreement)	\$50,000.00	G
9	Brown and Brown Northwest	ES-Risk	Insurance, FY 22/23	\$1,500,000.00	SI
10	Cintas	PW	Laundry Services, FY 22/23 (Cooperative Agreement)	\$45,000.00	U
11	Endress + Hauser	PW	Purchase, Maintenance, and Repair of Endress+Hauser Instruments, FY 22/23	\$40,000.00	U
12	Knife River	PW	Rock Products: Plant Site, Delivery, Hauling and Spoils Disposal, Primary Zone 1 and 4, Alternate Zone 2 and 3, FY 22/23	\$70,000.00	U
13	Riverbend	PW	Rock Products: Plant Site, Delivery, Hauling and Spoils Disposal, Primary Zone 2 and 3, Alternate Zone 1 and 4, FY 22/23	\$70,000.00	U
14	Schneider Electric Systems USA, Inc.	PW	Foxwater Annual Service Agreement, FY 22/23	\$188,383.00	U

15	ServiceMaster of Salem	PW	Cleaning and Bio-Hazard Loss, FY 22/23 (Cooperative Agreement)	\$60,000.00	U
16	Summit Water Resources LLC	I D\\\/	Hydrogeological Support of the Aquifer Storage and Recovery Program, FY 22/23	\$65,000.00	U
17	US Bank Government Banking	Citywide	Credit Card Purchases, FY 22/23	\$1,200,000.00	Various

355 CS = City Services Fund	\$900,000.00
101 G = General Fund	\$325,000.00
365 SI = Self Insurance Fund	\$1,500,000.00
310 U = Utility Fund	\$538,383.00
Various = Various	\$1,200,000.00
TOTAL, CATEGORY 2	\$4,463,383.00

Category III: Consultant of Record (COR) Contracts

The following Category III Consultant of Record (COR) Contracts were approved administratively during the month of June 2022. These Consultants have been selected through a competitive Request for Proposal (RFP) process. The not-to-exceed contract amounts awarded represent the annual limit for the sum of all assignments that may be performed under each Consultant's contract, and are not budget amounts. The not-to-exceed COR contract amounts represent an annual work limit authorized by the City's Public Contracting Rules and, in each instance, these work level limits are specifically reviewed and approved by the City Manager or City Manager designee and the Contracts and Procurement Manager. These are non-exclusive, one-year contracts that may be renewed for up to four additional one-year renewal periods.

	Business Entity	Dept.	Description	Contract Amount
1	AKS Engineering & Forestry LLC	PW	Landscape Architectural Services, FY 22/23	\$1,000,000 \$500,000
2	AKS Engineering & Forestry LLC	PW	Stormwater/Floodway/Floodplain Hydraulic Modeling, FY 22/23	\$200,000 \$75,000
3	AKS Engineering & Forestry LLC	PW	Surveying Services, FY 22/23	\$300,000 \$150,000
4	Brown & Caldwell, Inc.	PW	Stormwater/Floodway/Floodplain Hydraulic Modeling, FY 22/23	\$200,000 \$75,000
5	Cameron McCarthy Landscape Architecture and Planning LLP	PW	Landscape Architectural Services, FY 22/23	\$1,000,000 \$500,000
6	CMTS	PW	Construction Inspection, Primary Consultant, FY 22/23	\$750,000 \$250,000
7	Coffman Engineers	PW	Bridge Engineering, FY 22/23	\$1,500,000 \$750,000
8	DKS	PW	Traffic Engineering, FY 22/23	\$750,000 \$300,000
9	DOWL	PW	Bridge Engineering, FY 22/23	\$1,500,000 \$750,000
10	DOWL	PW	Traffic Engineering, FY 22/23	\$750,000 \$300,000
11	Emerio Design	PW	Construction Inspection, Alternate Consultant, FY 22/23	\$750,000 \$250,000
12	Emerio Design	PW	Surveying Services, FY 22/23	\$300,000 \$150,000
13	Environmental Science Associates	PW	Landscape Architectural Services, FY 22/23	\$1,000,000 \$500,000
14	Fehr and Peers	PW	Traffic Engineering, FY 22/23	\$750,000 \$300,000
15	GeoSyntec Consultants, Inc.	PW	Stormwater/Floodway/Floodplain Hydraulic Modeling, FY 22/23	\$200,000 \$75,000
16	Greenworks PC	PW	Landscape Architectural Services, FY 22/23	\$1,000,000 \$500,000

17	Historical Research Associates,	PW	Archaeological Services, FY 22/23	\$500,000
	Inc.		-	\$250,000
18	Kittelson & Associates	PW	Traffic Engineering, FY 22/23	\$750,000
	Triceison & Tissociates	1 ''	Traine Engineering, 1 1 22/25	\$300,000
19	Lango Hansen Landscape	PW	Landscape Architectural Services, FY 22/23	\$1,000,000
19	Architects PC	1 **	Landscape Architectural Services, 1-1 22/25	\$500,000
20	Learning Landscapes Design	DIV	T 1 A 1'4 4 10 ' FW 20/02	\$1,000,000
20	LLC	PW	Landscape Architectural Services, FY 22/23	\$500,000
	LEI Engineering & Survey of			\$300,000
21	Oregon	PW	Surveying Services, FY 22/23	\$150,000
				\$1,500,000
22	Otak, Inc.	PW	Bridge Engineering, FY 22/23	\$750,000
			Stormwater/Floodway/Floodplain Hydraulic	\$200,000
23	23 Otak, Inc.	PW	Modeling, FY 22/23	\$75,000
			Wodering, FT 22/23	+
24	Otak, Inc.	PW	Surveying Services, FY 22/23	\$300,000
				\$150,000
25	Quincy Engineering, Inc.	PW	Bridge Engineering, FY 22/23	\$1,500,000
	C, 8 8,		3,5 6, 11 6,	\$750,000
26	RS & H	PW	Bridge Engineering, FY 22/23	\$1,500,000
20	RS & II	1 "	Bridge Engineering, 1 1 22/25	\$750,000
27	SWCA Environmental	PW	Archaeological Services, FY 22/23	\$500,000
21	Consultants	P W	Archaeological Services, F1 22/25	\$250,000
20	West Consolitant I	DIII	Stormwater/Floodway/Floodplain Hydraulic	\$200,000
28	West Consultants, Inc.	PW	Modeling, FY 22/23	\$75,000
		PW		\$300,000
29	Westlake Consultants, Inc.		Surveying Services, FY 22/23	\$150,000
				\$500,000
30	WHPacific, Inc.	PW	Archaeological Services, FY 22/23	\$250,000
				Ψ250,000

Page Break

555 Liberty St SE Salem, OR 97301

CITY OF SALEM



Staff Report

 File #:
 22-354

 Version:
 1

 Item #:
 6.b.

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

Economic development quarterly report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Strong and Diverse Economy

SUMMARY:

City Council requested economic development reports from the Urban Development Department associated with the goal of creating a vibrant economy. This report includes activity from quarter two of calendar year 2022.

ISSUE:

Information report of economic development activities from guarter two of Calendar year 2022.

RECOMMENDATION:

Information only.

FACTS AND FINDINGS:

URA Grant Activity

Property owners and businesses continue to access URA grants to spur new development and redevelopment for the benefit of the community.

In the Riverfront-Downtown URA, an estimated \$93,904 of Strategic Project Grant funds were committed to five projects to help cover costs for crime prevention improvements to a building, including trash enclosures, fencing and security lighting, and cameras.

 File #:
 22-354

 Version:
 1

 Item #:
 6.b.

The third phase of downtown streetscape improvement is near completion on the south side of Court Street between Front/Commercial Streets and west side of Commercial Street between Court and State Streets. Street scape improvements included adding pedestrian lighting where there was none previously and electrical and plumbing infrastructure.

In the West Salem Urban Renewal Area, new redevelopment grant applications have been submitted for consideration, and more are anticipated later this year. The design of 2nd Street NW is approaching 80% complete and construction will start in 2023. The Urban Land Institute Technical Assistance Panel was in West Salem at the end of June for a tour and to meet with councilors, businesses, residents, and other stakeholders. Their study and recommendations will be complete this summer.

The projects located at 3049 Industrial Way NE and 3772 Portland Road NE that were funded through the North Gateway Grant Program are complete. Improvements to the buildings at 1795 Silverton Road NE are nearly done and there is a commitment for trade equipment at 3590 Portland Road NE that should result in the creation of seven new jobs.

The North Gateway Strategic Project Grant program was approved by Council in January 2022 and launched in February. This program was modeled after the Riverfront-Downtown Strategic Grant Program. This grant was created to support the business community by offering financial support to property owners for safety and security projects for their building and/or property. In the last quarter an estimated \$138,819 dollars were committed to nine projects. Six of the projects include exterior security cameras and lighting, one project is for exterior building lighting, parking lot lighting and cameras, one project is for exterior security cameras and fencing, and one project is for fencing only.

Business Outreach

Urban Development staff had over 50 connections with businesses in the last quarter. The most common assistance is related to a specific or unique business-related inquiry. Staff connected with 17 businesses or individuals who were seeking entrepreneurial assistance. There were also about 10 unique business engagements for inquiries on URA grants, event information and staff-initiated check-ins with businesses to follow up on past assistance.

Staff is attending more meetings and events with emerging businesses and entrepreneurs. Examples of such meetings in the last quarter include Chemeketa's Small Business Management graduation, Merit's entrepreneur finance class, and the Latino Microenterprise Development Program Orientation. Staff leverage these events to promote City resources and ensure new businesses are aware of City and partner programs that can help support the businesses' goals. Staff will continue to look at opportunities to engage with entrepreneurs as they began their endeavors.

A round table meeting with some of the Salem's largest food producers was held in May. Attendees included: Ingredion, Shinsegae/Emart, Yamasa, Fresh n' Local, Don Froylan Cheese, and Oregon Fruit Products. The meeting was held at Chemeketa's New Agricultural Center. Workforce was a key topic of the meeting, including worker training programs. Economic Development staff was on hand and City Engineer Brian Martin provided an update on the City's water service.

 File #:
 22-354

 Version:
 1

 Item #:
 6.b.

Marketing Videos

As reported in the Q1 Economic Development Quarterly, the Urban Development Department signed a contract with Allied Video to produce 10 business marketing and lifestyle videos. Four of these videos have been shot and final edits to the first video are being worked on now. The first video will serve as template for future videos. Once complete, the second round of video shoots will begin.

Entrepreneurship

There are exciting activities happening in the entrepreneurial community. The Latino Microenterprise Development Program held an orientation on June 15. This program is an initiative lead by Latino Business Alliance, Chemeketa Community College, Advanced Economic Solutions, Mid-Willamette Valley Council of Governments, and SEDCOR. The program has funding for two groups of roughly 25 prospective entrepreneurs or small business owners. Participants will receive business training and be eligible for micro-loans through the Latino Business Alliance.

The Salem entrepreneurial community continues to grow with strong attendance at monthly Coffee Clubs and a Pub Talk held in Mid-June. The regional venture catalyst in partnership with the city will be holding planning meetings at the August and October Coffee Club meetings to see what types of initiatives, activities and assistance would benefit local entrepreneurs.

Recruitment

In southeast Salem, property has been sold to new businesses at the Salem Business Campus, and construction has started to extend Gaia Street SE to Culver Drive SE. Two new buildings are under construction at the PacTrust campus of the Mill Creek Corporate Center (MCCC). The new street, Truax Drive SE, has been constructed to the east of this site. It is likely that additional properties at MCCC will be under construction this summer as well.

Seth Lenaerts Program Manager

Attachments: None

Page Break

CITY OF SALEM



Staff Report

File #: 22-355
Version: 1

Date: 8/8/2022
Item #: 6.c.

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

Planning Administrator Decision - A modification to the East Park Estates Planned Unit Development Subdivision resulting in an adjustment to the phasing schedule - Approved.

Modification of Subdivision Case No CPC-ZC-PUD-SUB-ADJ19-08MOD3 - Kiril Ivanov, Randy Myers - 255 Cordon Rd NE.

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

RECOMMENDATION:

Information Only.

Aaron Panko Planner III

Attachments:

Land Use Decision CPC-ZC-PUD-SUB-ADJ19-08MOD3

7/21/2022

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

DECISION OF THE PLANNING ADMINISTRATOR

MODIFICATION OF SUBDIVISION CASE NO.: CPC-ZC-PUD-SUB-ADJ19-08MOD3

APPLICATION NO.: 22-111267-LD

NOTICE OF DECISION DATE: July 21, 2022

SUMMARY: A third modification to the East Park Estates Planned Unit Development Subdivision resulting in an adjustment to the phasing schedule for the subdivision.

REQUEST: A third modification to a previously approved phased Planned Unit Development and Subdivision (Case No. CPC-ZC-PUD-SUB-ADJ19-08, CPC-ZC-PUD-SUB-ADJ19-08MOD1, and CPC-ZC-PUD-SUB-ADJ19-08MOD2), resulting in a change to the phasing schedule for the subdivision, for property approximately 122 acres in size, zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential) and CR (Retail Commercial), and located at 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessors Map and Tax Lot numbers: 072W29B / 00200, 00201, 00300 and 00400 and 072W29C / 00100, 00101, 00199, 00200, 00300 and 00400)."

APPLICANT: Joseph Schaefer on behalf of East Park LLC (Kiril Ivanov, Randy Myers)

LOCATION: 255 Cordon Rd NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.070(d) – Modification to Subdivision

FINDINGS: The findings are in the attached Decision dated July 21, 2022.

DECISION: The **Planning Administrator APPROVED** Modification of Subdivision, Case No. CPC-ZC-PUD-SUB-ADJ19-08MOD3 subject to the following conditions of approval:

All phases:

Condition 11: Construct all internal private streets with property line sidewalks with

minimum 4-foot landscape strip to accommodate street trees.

Condition 12: Provide access and utility easements (to be shown on the plat) for

all private streets and public utilities located within private streets

pursuant to PWDS.

Condition 13: Provide a 10-foot public utility easement along the street frontage of

all internal streets.

Condition 14: Extend City infrastructure to adjacent parcels pursuant to PWDS.

- Condition 15: Construct water, stormwater, and sewer systems to serve each lot.
- Condition 16: Design and construct stormwater facilities as needed to accommodate future impervious surfaces on all proposed lots within each phase pursuant to PWDS. Additional capacity built in earlier phases can be used to serve impervious surfaces in later phases.
- Condition 17: Prior to commencing work within the Critical Tree Zone (CTZ) (including removal) of any trees on City-owned property, the applicant shall obtain a Street Tree Permit pursuant to SRC Chapter 86.
- Condition 18: Provide a minimum 25-foot access easement from the abutting cul-de-sac at Puma Street NE, and a utility easement (Sanitary Sewer and Water), to the neighboring property (Marion County Assessor's Map and Tax Lot number 072W30DA / 00199). Make provides to collect the surface water runoff from the southeast corner of said tax lot, at the present low point.

Phase 1:

- Condition 19: Construct a 24-inch water main in Cordon Road from the existing main near Gaffin Road SE to Auburn Road NE.
- Condition 20: Construct a 12-inch water main in Auburn Road NE from Cordon Road NE to the west line of Phase 1.
- Condition 21: Construct a 12-inch water main in (future) Greencrest Street NE through a portion of Phase 2 from Auburn Road NE to south line of Phase 1.
- Condition 22: As required by UGA09-07MOD1, construct Auburn Sewer Pump Station (SPS) along Auburn Road NE and an 8-inch sewer force main from Auburn SPS to the East Salem Interceptor consistent with the Salem Wastewater Management Master Plan and PWDS.
- Condition 23: Construct a 15-inch public sewer main from the future Auburn SPS through portions of future phases to the future intersection of Ruby Avenue NE and Cougar Street NE as shown on the applicant's preliminary utility plan. (UGA 9)
- Condition 24: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE.
- Condition 25: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 1 frontage of Auburn Road NE.
- Condition 26: Construct Greencrest Street NE within Phase 1 to Collector B standards.
- Condition 27: Construct a westbound-to-southbound left turn lane at the intersection of Auburn Road NE and (future) Bobcat Street NE (private). Convey additional right-of-way to accommodate the improvement, if needed.

Condition 28: Obtain City Council approval for an amendment to the Salem TSP to modify the alignment of (future) Greencrest Street NE.

Phase 2:

- Condition 29: Construct a 12-inch water main in Auburn Road NE to the west property line pursuant to PWDS.
- Condition 30: As required by Condition 3 of UGA09-07, the applicant shall enter into an agreement with Marion County for street improvements and right-of-way dedication for Cordon Road.
- Condition 31: Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE, and an eastbound-to-southbound right-turn lane, as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed. Construct an eastbound-to-southbound right-turn lane at the intersection of Auburn Road NE and Cordon Road NE as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.
- Condition 32: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 2A and Phase 2B frontages of Auburn Road NE.
- Condition 33: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 2A and Phase 2B frontages of Auburn Road NE to the western boundary of the subject property.
- Condition 34: Construct Greencrest Street NE within Phases 2 and 2A to Collector B standards.

 Construct Greencrest Street NE to Collector B standards from Auburn Road NE to State Street.
- Condition 35: Construct westbound-to-southbound and eastbound-to-northbound left turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 2A:

- Condition 36: Construct a 12-inch water main in Auburn Road NE to the west property line pursuant to PWDS.
- Condition 37: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 2A and Phase 2B frontages of Auburn Road NE.
- Condition 38: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 2A and Phase 2B frontages of Auburn Road NE to the western boundary of the subject property.

Condition 39: Construct Greencrest Street NE within Phase 2A to Collector B street standards.

Condition 40: Construct westbound-to-southbound and eastbound-to-northbound left turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way to accommodate the

improvement, if needed.

Phase 3:

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

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

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

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

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

Phase 4:

Condition 46: Construct a 15-inch sewer main to the State Street Pump Station.

Condition 47: Align the intersection of Cougar Street NE (private) at State Street with Cougar Court SE in accordance with PWDS.

Condition 48: Construct a minimum 46-foot-wide three-quarter-street improvement along the Phase 3 and Phase 4 frontages of State Street.

Condition 49: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Cougar Street NE (private) and State Street, as required by the TIA.

Condition 50: Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road

NE as specified by the TIA and as approved by Marion County Public Works.

Convey additional right-of-way to accommodate the improvement, if needed.

Phase 5:

Condition <u>5051</u>: Construct a traffic signal at the intersection of (future) Greencrest Street NE and State Street as specified in the TIA, and provide an interconnect to the signal at the intersection of Cordon Road and State Street.

Condition 5152: Construct improvements at the intersection of Cordon Road and State Street for a traffic signal to provide dual eastbound-to-northbound left turn lanes as specified in the TIA, and construct improvements on Cordon Road NE to accommodate receiving lanes as approved by Marion County Public Works.

CPC-ZC-PUD-SUB-ADJ19-08MOD3 Notice of Decision July 21, 2022 Page 5

Condition 5253: Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 5

frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at

intervals not less than 600 feet.

Phase 6:

Condition 5354: Convey land for dedication of right-of-way to equal 30 feet from centerline along

the Phase 6 frontage of Auburn Road NE.

Condition 5455: Construct a minimum 29-foot-wide three-quarter-street improvement along the

Phase 6 frontage of Auburn Road NE.

Condition 5556: Provide right-of-way and grading for a future Local street connection from (future)

Lynx Street NE (private) to the neighboring property at the southwest corner of the intersection of Auburn Road NE at Cordon Road NE (Marion County Assessor's Map and Tax Lot 072W29B 00100). Provide grading for the future

street except as prohibited under state/federal wetland fill permits.

Condition 5657: Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 6

frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at

intervals not less than 600 feet.

The rights granted by the attached decision must be exercised, or an extension granted, by <u>August</u> 9, 2024, or this approval shall be null and void.

Application Deemed Complete:

Notice of Decision Mailing Date:

Decision Effective Date:

State Mandate Date:

June 23, 2022

July 21, 2022

August 9, 2022

October 21, 2022

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. Friday, August 5, 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(s) 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.

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM (CASE NO. CPC-ZC-PUD-SUB-ADJ19-08MOD3)

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

IN THE MATTER OF THE MODIFICATION)	FINDINGS AND ORDER
OF TENTATIVE PHASED SUBDIVSION)	
PLAN CASE NO. CPC-ZC-PUD-SUB-ADJ)	
19-08MOD3)	
255 CORDON ROAD NE, 4800-4900 BLOCK	()	JULY 21, 2022
OF STATE STREET, AND 4700-4800)	
BLOCK OF AUBURN ROAD NE)	

REQUEST

Summary: A third modification to the East Park Estates Planned Unit Development Subdivision resulting in an adjustment to the phasing schedule for the subdivision.

Request: A third modification to a previously approved phased Planned Unit Development and Subdivision (Case No. CPC-ZC-PUD-SUB-ADJ19-08, CPC-ZC-PUD-SUB-ADJ19-08MOD1, and CPC-ZC-PUD-SUB-ADJ19-08MOD2), resulting in a change to the phasing schedule for the subdivision, for property approximately 122 acres in size, zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential) and CR (Retail Commercial), and located at 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessors Map and Tax Lot numbers: 072W29B / 00200, 00201, 00300 and 00400 and 072W29C / 00100, 00101, 00199, 00200, 00300 and 00400).

BACKGROUND

The subject property is located generally at 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE (**Attachment A**). On October 16, 2019 an application for a Planned Unit Development and Subdivision for 659 single family units and a 36-unit multi-family residential use, for a total of 695 units, was approved for the subject property. UGA09-07 was issued in connection with the phased tentative subdivision plan.

On December 29, 2020 a modification of the phased subdivision tentative plan approval (CPC-ZC-PUD-SUB-ADJ19-08MOD1) was granted which resulted in a slight adjustment to the northwestern property boundary but did not change the phasing or conditions of approval from the original decision.

On August 27, 2021, a second modification of the phased subdivision tentative plan approval (CPC-ZC-PUD-SUB-ADJ19-08MOD2) was granted which resulted in an adjustment to the southwestern property boundary and a change to the phasing schedule for the subdivision.

CPC-ZC-PUD-SUB-ADJ19-08MOD3 Decision July 21, 2022 Page 2

On June 6, 2022 a subdivision modification application was submitted for review, the application was deemed complete for processing on June 23, 2022. The 120-day state mandated deadline for this application is October 21, 2022.

SUBSTANTIVE FINDINGS

Proposal

An application for a third modification of phased subdivision tentative plan approval was received on June 6, 2022 proposing an adjustment to the phasing schedule for the subdivision. The application was deemed complete for processing on June 23, 2022. The applicant's proposed site plan is included in **Attachment B** and written statement addressing the approval criteria is included as **Attachment C**.

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: 22-111267-LD.

City Department Comments

Salem Fire Department. The Fire Department has reviewed the proposal and commented that each phase shall comply with fire department access and water supply requirements. Fire department access roads over 150 feet in length that do not continue through shall have an approved turnaround. Development of over 30 dwelling units requires two separate means of fire department access unless all dwelling units have fire sprinklers. Fire hydrants are required within 600 feet of all portions of residential structures and 400 feet of commercial structures as measured along an approved route.

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

Public Works Department. The City of Salem Public Works Department, Development Services Section, reviewed the proposal and provided a memo included as **Attachment D**.

<u>Public Agency and Private Service Provider Comments</u>

Cherriots. Cherriots has reviewed the proposal and commented that they are in support of this modification to the previously approved phased Planned Unit Development and Subdivision and recognize that the resulting change to the phasing schedule may impact when the transit stops conditioned in the previous approval will be built. Cherriots has also indicated the approximate transit stop locations as agreed upon between Cherriots and the applicant in December 2021.

Marion County. Marion County Engineering Division has reviewed the proposal and indicated no objections.

Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the East Lancaster Neighborhood Association (ELNA).

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to Table 300-2, the proposed phased subdivision tentative plan modification included in this proposed land use application request does not require neighborhood association contact.

Neighborhood Association Comments

Notice of the proposed modification of tentative phased subdivision plan approval was provided to the East Lancaster Neighborhood Association (ELNA) pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.

No comments were received from the ELNA.

Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed modification of tentative phased subdivision plan approval. No public comments were received.

FINDINGS

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

SRC 205.070(a) provides that the approval of a tentative phased subdivision plan may be modified after its effective date if the proposed modification meets the criteria set forth in this section.

1. Analysis of Tentative Subdivision Modification Approval Criteria:

SRC 205.070(d) sets forth the following criteria that must be met before approval can be granted to a modification of a tentative phased subdivision plan approval. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings

evaluating the proposed modification for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the modification.

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

Finding: As part of the application package, the applicant submitted a Traffic Impact Phasing Analysis which evaluated construction timing of the traffic signal at the intersection of Auburn Road NE and Cordon Road NE and other street improvements required within the development. The proposed modification will not substantially alter the conditions of the original approval; the modification changes the timing of conditions but does not modify the improvements required. Based on the Traffic Impact Phasing Analysis, staff recommends conditions be revised as listed above. The revised conditions substantially conform to the original conditions of approval as follows:

Condition 31 is revised to read:

Condition 31 [Phase 2]: Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE, and an eastbound-to-southbound right-turn lane, as specified by the TIA and as approved by Marion County Public Works.

Convey additional right-of-way to accommodate the improvement, if Needed. Construct an eastbound-to-southbound right-turn lane at the intersection of Auburn Road NE and Cordon Road NE as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.

Condition 34 is revised to read:

Condition 34 [Phase 2]: Construct Greencrest Street NE within Phases 2 and 2A to Collector B standards. Construct Greencrest Street NE to Collector B standards from Auburn Road NE to State Street. Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of Greencrest Street NE and State Street, as specified in the TIA.

 Conditions 42 and 43 are removed as Greencrest Street NE and the necessary turn lanes will be entirely constructed with Phase 1 and 2.

Condition 42 [Phase 3]: Construct Greencrest Street NE to State Street to Collector B standards.

Condition 43 [Phase 3]: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.

• An additional condition is added to Phase 4:

Condition 50: Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE as specified by the TIA and as approved by Marion County Public

Works. Convey additional right-of-way to accommodate the improvement, if needed.

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

Finding: The proposed modification includes a change in phase boundaries and timing of construction of certain improvements. The proposed modification does not result in significant changes to the physical appearance of the development, the use of the site, or the impacts on surrounding properties.

Because the configuration of the subdivision is substantially similar to the original approval, and because no change is proposed to the previously approved uses for the property, the requested modification would not increase or otherwise change impacts on surrounding properties. The proposal meets this criterion.

SRC 205.015(e): Modification pursuant to final plat approval. If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan shall be modified prior to approval of the final plat.

Finding: The proposed modification includes a change to the phasing and phase boundaries. City infrastructure is available to serve individual phases in a way that is functionally self-contained and self-sustaining no differently than for the original application. The improvements for each phase will be constructed in such a manner that provides sufficient capacity to serve later phases. Conditions of approval have been modified to accommodate for changes proposed to the phase boundaries. No further modifications should be needed.

2. Effect on Expiration Period of Original Approval:

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

Finding: The expiration date for the original phased subdivision tentative plan approval (CPC-ZC-PUD-SUB-ADJ19-08) is November 1, 2021. The previous modification did not change the expiration date for the subdivision. The proposed modification also does not change the expiration date for the consolidated application. The applicant is permitted to apply for up to four extensions of the expiration date, in two-year increments, with the final extension expiring no later than **November 1, 2029.**

Pursuant to SRC 200.025(g)(1), a UGA Preliminary Declaration issued in connection with a subdivision shall remain valid if the tentative subdivision approval remains valid. Therefore, UGA09-07MOD1 and its terms and conditions would remain in effect for the duration of the subject modification of phased subdivision tentative plan approval and any subsequent extensions.

DECISION

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

Conditions of approval from CPC-ZC-PUD-SUB-ADJ19-08MOD2 shall be modified as follows:

All phases:

- Condition 11: Construct all internal private streets with property line sidewalks with minimum 4-foot landscape strip to accommodate street trees.
- Condition 12: Provide access and utility easements (to be shown on the plat) for all private streets and public utilities located within private streets pursuant to PWDS.
- Condition 13: Provide a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 14: Extend City infrastructure to adjacent parcels pursuant to PWDS.
- Condition 15: Construct water, stormwater, and sewer systems to serve each lot.
- Condition 16: Design and construct stormwater facilities as needed to accommodate future impervious surfaces on all proposed lots within each phase pursuant to PWDS. Additional capacity built in earlier phases can be used to serve impervious surfaces in later phases.
- Condition 17: Prior to commencing work within the Critical Tree Zone (CTZ) (including removal) of any trees on City-owned property, the applicant shall obtain a Street Tree Permit pursuant to SRC Chapter 86.
- Condition 18: Provide a minimum 25-foot access easement from the abutting cul-de-sac at Puma Street NE, and a utility easement (Sanitary Sewer and Water), to the neighboring property (Marion County Assessor's Map and Tax Lot number 072W30DA / 00199). Make provides to collect the surface water runoff from the southeast corner of said tax lot, at the present low point.

Phase 1:

- Condition 19: Construct a 24-inch water main in Cordon Road from the existing main near Gaffin Road SE to Auburn Road NE.
- Condition 20: Construct a 12-inch water main in Auburn Road NE from Cordon Road NE to the west line of Phase 1.
- Condition 21: Construct a 12-inch water main in (future) Greencrest Street NE through a portion of Phase 2 from Auburn Road NE to south line of Phase 1.

- Condition 22: As required by UGA09-07MOD1, construct Auburn Sewer Pump Station (SPS) along Auburn Road NE and an 8-inch sewer force main from Auburn SPS to the East Salem Interceptor consistent with the Salem Wastewater Management Master Plan and PWDS.
- Condition 23: Construct a 15-inch public sewer main from the future Auburn SPS through portions of future phases to the future intersection of Ruby Avenue NE and Cougar Street NE as shown on the applicant's preliminary utility plan. (UGA 9)
- Condition 24: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 1 frontage of Auburn Road NE.
- Condition 25: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 1 frontage of Auburn Road NE.
- Condition 26: Construct Greencrest Street NE within Phase 1 to Collector B standards.
- Condition 27: Construct a westbound-to-southbound left turn lane at the intersection of Auburn Road NE and (future) Bobcat Street NE (private). Convey additional right-of-way to accommodate the improvement, if needed.
- Condition 28: Obtain City Council approval for an amendment to the Salem TSP to modify the alignment of (future) Greencrest Street NE.

Phase 2:

- Condition 29: Construct a 12-inch water main in Auburn Road NE to the west property line pursuant to PWDS.
- Condition 30: As required by Condition 3 of UGA09-07, the applicant shall enter into an agreement with Marion County for street improvements and right-of-way dedication for Cordon Road.
- Condition 31: Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE, and an eastbound-to-southbound right-turn lane, as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed. Construct an eastbound-to-southbound right-turn lane at the intersection of Auburn Road NE and Cordon Road NE as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.
- Condition 32: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 2A and Phase 2B frontages of Auburn Road NE.

- Condition 33: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 2A and Phase 2B frontages of Auburn Road NE to the western boundary of the subject property.
- Condition 34: Construct Greencrest Street NE within Phases 2 and 2A to Collector B standards. Construct Greencrest Street NE to Collector B standards from

Auburn Road NE to State Street.

Condition 35: Construct westbound-to-southbound and eastbound-to-northbound left turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 2A:

- Condition 36: Construct a 12-inch water main in Auburn Road NE to the west property line pursuant to PWDS.
- Condition 37: Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the Phase 2A and Phase 2B frontages of Auburn Road NE.
- Condition 38: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 2A and Phase 2B frontages of Auburn Road NE to the western boundary of the subject property.
- Condition 39: Construct Greencrest Street NE within Phase 2A to Collector B street standards.
- Condition 40: Construct westbound-to-southbound and eastbound-to-northbound left turn lanes at the intersection of (future) Greencrest Street NE and Auburn Road NE, as specified in the TIA. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 3:

- Condition 41: Construct a 12-inch water main in (future) Greencrest Street NE to State Street.
- Condition 42: Construct Greencrest Street NE to State Street to Collector B standards.
- Condition 43: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.
- Condition 44: Construct a 12-inch water main in State Street from the west line of Phase 3 to Cordon Road NE.
- Condition 45: Convey land for dedication of right-of-way to equal 48 feet from centerline along the Phase 3 and Phase 4 frontages of State Street.

Phase 4:

- Condition 46: Construct a 15-inch sewer main to the State Street Pump Station.
- Condition 47: Align the intersection of Cougar Street NE (private) at State Street with Cougar Court SE in accordance with PWDS.
- Condition 48: Construct a minimum 46-foot-wide three-quarter-street improvement along the Phase 3 and Phase 4 frontages of State Street.
- Condition 49: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Cougar Street NE (private) and State Street, as required by the TIA.
- Condition 50: Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.

Phase 5:

- Condition <u>5051</u>: Construct a traffic signal at the intersection of (future) Greencrest Street NE and State Street as specified in the TIA, and provide an interconnect to the signal at the intersection of Cordon Road and State Street.
- Condition 5152: Construct improvements at the intersection of Cordon Road and State Street for a traffic signal to provide dual eastbound-to-northbound left turn lanes as specified in the TIA, and construct improvements on Cordon Road NE to accommodate receiving lanes as approved by Marion County Public Works.
- Condition 5253: Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 5 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

Phase 6:

- Condition 5354: Convey land for dedication of right-of-way to equal 30 feet from centerline along the Phase 6 frontage of Auburn Road NE.
- Condition 5455: Construct a minimum 29-foot-wide three-quarter-street improvement along the Phase 6 frontage of Auburn Road NE.
- Condition <u>5556</u>: Provide right-of-way and grading for a future Local street connection from (future) Lynx Street NE (private) to the neighboring property at the southwest corner of the intersection of Auburn Road NE at Cordon Road NE (Marion

CPC-ZC-PUD-SUB-ADJ19-08MOD3 Decision July 21, 2022 Page 10

> County Assessor's Map and Tax Lot 072W29B 00100). Provide grading for the future street except as prohibited under state/federal wetland fill permits.

Condition 5657: Construct a multi-modal multi-use pedestrian/bicycle path along the Phase 6 frontage of Cordon Road NE as specified in the TIA and approved by Marion County Public Works. Pedestrian pathways shall be provided connecting the sidewalk on Panther Street NE to the multi-modal path along Cordon Road NE at intervals not less than 600 feet.

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

Planning Administrator

Prepared by Aaron Panko, Planner III

Attachments: Α. Vicinity Map

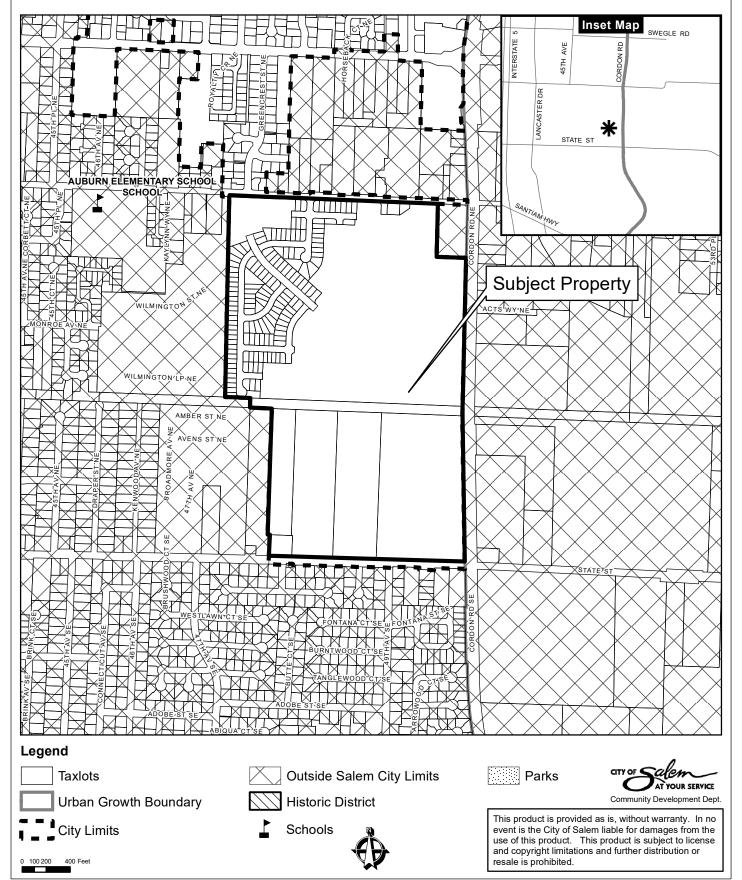
> Proposed Modified Subdivision Plan B.

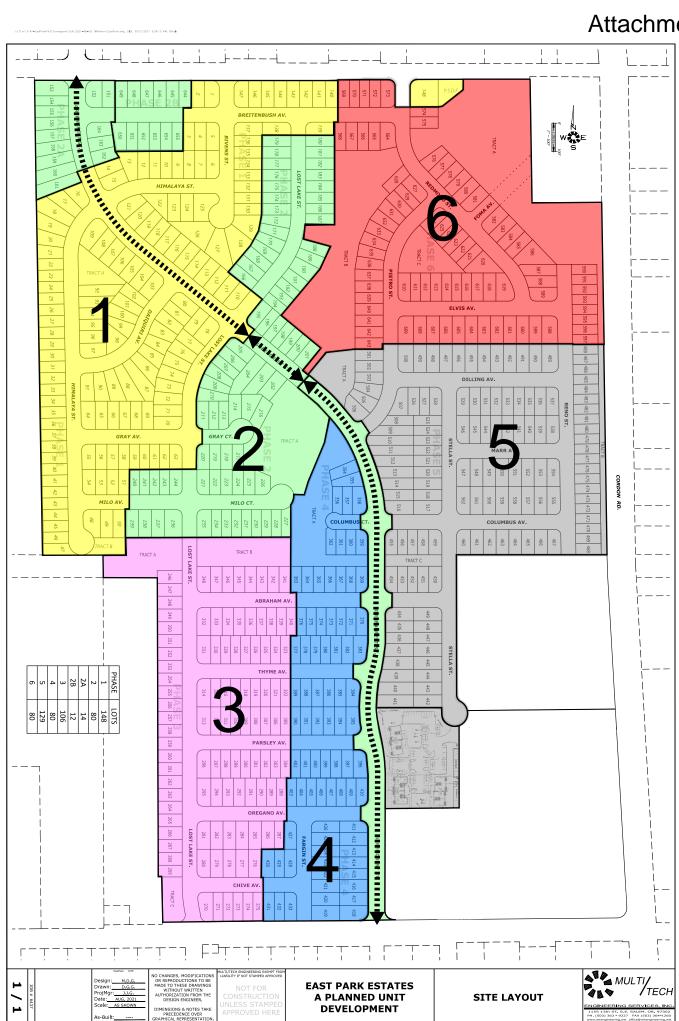
C. Applicant's Written Statement

D. Public Works Memo

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\SUBDIVISION\2022\Planner Docs\CPC-ZC-PUD-SUB-ADJ19-08MOD3.amp.docx

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





Aaron Panko

From: Edward H. Trompke <Ed.Trompke@jordanramis.com>

Sent: Monday, June 6, 2022 11:56 AM

To: Aaron Panko

Cc: Joseph Schaefer; Darlene Ferretti

Subject: Narrative for modification

Aaron

I understand you would like to see the narrative for the application to modify the approval, affecting the interim traffic patterns, but not the final patterns. It is set out below, and we appreciate any thoughts you may have.

Sec. 205.070. - Modification of approval.

Criteria. An application for modification pursuant to this section shall be approved if all of the following criteria are met:

(1) The proposed modification does not substantially change the original approval; and

Response: The proposed change is to the interim routing of traffic for the initial phases of the subdivision, until the time when all of the internal and frontage street improvements have been completed. In that sense, the proposed change is temporary, and is designed to ensure that the city's traffic level of service standards are maintained throughout the phased project.

For the houses being served by the street improvements, the interim change will be to their route of travel, because they will have a second, and we believe very useful, alternative route, earlier than previously planned. That is, they will be able to access State St via Greencrest Street, in addition to using Auburn and its intersection with Cordon Rd as an indirect route to reach State St. For trips from the site to downtown, State St is the more direct route, and the proposed modification will provide direct access to State St via Greencrest sooner than under the original approval. Because this route was planned to be the permanent option for residents, the earlier availability has no detrimental impact. For trips headed to shop on Lancaster, the modification will not be a change because the route to Lancaster via Auburn is not affected.

The traffic study demonstrates that the traffic flow will meet city standards at all times, which is the purpose of the street improvements. Because that purpose is met, and because houses in the initial phases will have a second route for trips to the south via State St, we believe the change is a net benefit to the new residents in the initial phases. This criterion is satisfied.

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

The modification does not change the street design or the physical appearance of the street improvements. Nor does it affect the use of the site, because the single family residential use is unchanged. The potential traffic impacts on surrounding properties will be temporary. The number of trips on Auburn will be temporarily lower, because the initial two phases of the project (227 houses) will have a

second route to State St, via Greencrest. Thus there will be more trips on State St from the initial phases than originally approved, because the original approval lacked an internal street connection (Greencrest) from Phases 1 and 2 to State St. Because the city's level of service standards on all the streets are satisfied, there is not a significant change to the impacts on surrounding properties, and this criterion is satisfied.

Edward H. Trompke | Attorney

Direct: (503) 598-5532

jordanramis.com | (888) 598-7070 Portland Metro | Bend | Vancouver WA

JORDAN RAMIS

DISCLAIMER: This e-mail is for the sole use of the intended recipient(s). It contains information that is confidential and/or legally privileged. If you believe that it has been sent to you in error, please notify the sender by reply e-mail and delete the message. Any disclosure, copying, distribution or use of this information by someone other than the intended recipient is prohibited.



MEMO

TO: Aaron Panko, Planner III

Community Development Department

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

Public Works Department

DATE: July 19, 2022

SUBJECT: PUBLIC WORKS RECOMMENDATIONS

CPC-ZC-PUD-SUB-ADJ19-08MOD3 (22-111267)

255 CORDON ROAD NE EAST PARK MODIFICATION

PROPOSAL

A third modification to a previously approved phased Planned Unit Development and Subdivision (Case No. CPC-ZC-PUD-SUB-ADJ19-08, CPC-ZC-PUD-SUB-ADJ19-08MOD1, and CPC-ZC-PUD-SUB-ADJ19-08MOD2), resulting in a change to the phasing schedule for the subdivision, for property approximately 122 acres in size, zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential) and CR (Retail Commercial), and located at 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessors Map and Tax Lot numbers: 072W29B / 00200, 00201, 00300 and 00400 and 072W29C / 00100, 00101, 00199, 00200, 00300 and 00400).

RECOMMENDED CONDITIONS OF MODIFICATION APPROVAL

Staff recommend the following changes to the conditions of approval:

Condition 31 is revised to read:

Condition 31 [Phase 2]: Construct a traffic signal at the intersection of Auburn-Road NE and Cordon Road NE, and an eastbound-to-southbound right-turn lane, as specified by the TIA and as approved by Marion County Public Works.

Convey additional right-of-way to accommodate the improvement, if

Needed. Construct an eastbound-to-southbound right-turn lane at the intersection of Auburn Road NE and Cordon Road NE as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.

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).

Condition 34 is revised to read:

Condition 34 [Phase 2]: Construct Greencrest Street NE within Phases 2 and 2A to Collector B standards. Construct Greencrest Street NE to Collector B standards from Auburn Road NE to State Street. Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of Greencrest Street NE and State Street, as specified in the TIA.

 Conditions 42 and 43 are removed as Greencrest Street NE and the necessary turn lanes will be entirely constructed with Phase 1 and 2.

Condition 42 [Phase 3]: Construct Greencrest Street NE to State Street to Collector B standards.

Condition 43 [Phase 3]: Construct eastbound-to-northbound and westbound-to-southbound left turn lanes at the intersection of (future) Greencrest Street NE and State Street, as specified in the TIA.

An additional condition is added to read:

Phase 4:

Construct a traffic signal at the intersection of Auburn Road NE and Cordon Road NE as specified by the TIA and as approved by Marion County Public Works. Convey additional right-of-way to accommodate the improvement, if needed.

CRITERIA AND FINDINGS

SRC 205.070(d) indicates the criteria that must be found to exist before an affirmative decision can be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.070(d)(1) and SRC 210.035(b)(4)(A) — The proposed modification does not substantially change the original approval:

Finding—As part of the application package, the applicant submitted a Traffic Impact Phasing Analysis which evaluated construction timing of the traffic signal at the intersection of Auburn Road NE and Cordon Road NE and other street improvements required within the development. The proposed modification will not substantially alter the conditions of the original approval; the modification changes the timing of conditions but does not modify the improvements required. Based on the Traffic Impact Phasing Analysis, staff recommends conditions be revised as listed above. The revised conditions substantially conform to the original conditions of approval.

Aaron Panko, Planner III July 19, 2022 Page 3

MEMO

SRC 205.070(d)(2) and SRC 210.035(b)(4)(A)—The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Finding—The proposed modification includes a change in phase boundaries and timing of construction of certain improvements. The proposed modification does not result in significant changes to the physical appearance of the development, the use of the site, or the impacts on surrounding properties.

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

Finding—City infrastructure is available to serve each parcel in a way that is functionally self-contained and self-sustaining no differently than for the original application.

Prepared by: Laurel Christian, Program Coordinator cc. File

Page Break

CITY OF SALEM



Staff Report

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

Planning Administrator Decision - A partition to create three parcels - Approved.

Tentative Partition / Class 2 Adjustment Case No. PAR-ADJ22-02 - Nat Borchers - 2195 Hyacinth St NE.

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate

RECOMMENDATION:

Information Only.

Olivia Dias

Current Planning Manager

Attachments:

1. Land Use Decision PAR-ADJ22-02

7/27/2022

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

DECISION OF THE PLANNING ADMINISTRATOR

TENTATIVE PARTITION / CLASS 2 ADJUSTMENT CASE NO.: PAR-ADJ22-02

APPLICATION NO.: 22-113469-LD, 22-113479-ZO

NOTICE OF DECISION DATE: July 27, 2022

SUMMARY: A consolidated application for a partition and adjustment to create three parcels.

REQUEST: An application for a partition to create three parcels approximately 0.70-acres, 1.22-acres and 4.75 acres with two Class 2 Adjustment to eliminate the five-foot setback on either side of a new property line abutting an existing vehicle use area.

The subject properties are approximately 6.67 acres, zoned IC (Industrial Commercial) and located on the 2195 Hyacinth Street NE (Marion County Assessor Map and Tax Lot Numbers 073W12B / 200 and 300).

APPLICANT: Britany Randall, BRAND Land Use, on behalf of Back Line Properties LLC (Nat Borchers)

LOCATION: 2195 Hyacinth St NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.005(d) – Tentative Partition; 250.055(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated July 27, 2022.

DECISION: The **Planning Administrator APPROVED** Tentative Partition / Clas 2 Adjustment Case No. PAR-ADJ22-02 subject to the following conditions of approval:

Condition 1: Prior to final plat, the applicant shall provide adequate evidence the property was created in conformance to the Salem Revised Code at the time of creation or obtain final approval of a Validation of a Unit of land.

Condition 2: Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Hyacinth Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition 3: Provide a 10-foot-wide public utility easement along the entire frontage of Hyacinth Street NE and 25th Avenue NE.

Condition 4: Easements for shared vehicular access shall be shown on the final plat.

PAR-ADJ22-02 Notice of Decision July 27, 2022 Page 2

Condition 5: Design stormwater systems to serve all proposed parcels in compliance with

PWDS. The stormwater systems shall be tentatively designed to accommodate

future impervious surfaces on all parcels.

Condition 6: Easements for existing and proposed utility infrastructure shall be shown on the

final plat pursuant to PWDS.

Condition 7: The applicant shall meet a Type A landscaping standard with 50% of the plant

units being trees in the landscaping island between the trash enclosure on Parcel

3 and the driveway.

Condition 8: At the time of development of the 'gravel pad' on Parcel 2, any development shall

be setback five feet from the west property line. The setback shall include

landscaping at Type A standard.

Condition 9: At the time of development of the 'gravel pad' on Parcel 3, any development shall

be setback ten feet from the west property line. The setback shall include

landscaping at Type A standard and may include a pedestrian path.

Condition 10: The adjusted setback, loading space, and driveway spacing standards, as

approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is

shown in the attached site plan, shall conform to all applicable development

requirements, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by <u>August 12, 2024</u>, or this approval shall be null and void.

Application Deemed Complete:

Notice of Decision Mailing Date:

Decision Effective Date:

State Mandate Date:

July 8, 2022

July 27, 2022

August 12, 2022

November 5, 2022

Case Manager: Olivia Dias, odias@cityofsalem.net, 503-540-2343

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. Thursday, August 11, 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(s) 205, 250. 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.

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

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

DECIS	SION
-------	------

IN THE MATTER THE TENTATIVE)	FINDINGS AND ORDER
APPROVAL OF PARTITION AND	ý	
CLASS 2 ADJUSTMENT)	
CASE NO. PAR-ADJ22-02;)	
2195 HYACINTH STREET NE)	JULY 27, 2022
	DECLIEST	

REQUEST

Summary: A consolidated application for a partition and adjustment to create three parcels.

Request: An application for a partition to create three parcels approximately 0.70-acres, 1.22-acres and 4.75 acres with two Class 2 Adjustment to eliminate the five-foot setback on either side of a new property line abutting an existing vehicle use area.

The subject properties are approximately 6.67 acres, zoned IC (Industrial Commercial) and located on the 2195 Hyacinth Street NE (Marion County Assessor Map and Tax Lot Numbers 073W12B / 200 and 300). A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

PROCEDURAL FINDINGS

- 1. On June 30, 2022 an application for a consolidated Tentative Partition Plan and Class 2 Adjustment was filed proposing to create three parcels at the 2195 Hyacinth Street NE.
- 2. On July 8, 2022 additional information was provided and the application was deemed complete for processing. Notice to surrounding property owners and residents was mailed pursuant to Salem Revised Code on July 8, 2022. The state-mandated local decision deadline is November 5, 2022.

SUBSTANTIVE FINDINGS

1. Proposal

The subject property consists of two tax lots which are concurrently going through the validation of a unit of land processes (VUL22-05), approximately 6.67 acres in size. The property contains a commercial development and vehicle use area. The proposal is to create three parcels with two adjustments to eliminate the five-foot landscaping setback along eastwest property line between the tree parcels.

The three parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size: 4.75 Acres:

Parcel Dimensions: Approximately 225 feet in width and 790 feet in depth.

PROPOSED PARCEL 2

Parcel Size: 1.22 Acres:

Parcel Dimensions: Approximately 100 feet in width and 480 feet in depth.

PROPOSED PARCEL 3

Parcel Size: 0.70 Acres;

Parcel Dimensions: Approximately 120 feet in width and 230 feet in depth

Access and Circulation: The subject property has frontage located on Hyacinth Street NE, designated as a Major Arterial street within the Salem Transportation System Plan (TSP) and 25th Street NE, designated as a Local Street within the Salem Transportation System Plan (TSP).

2. 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 applicant's written statement can be found in the record and plans submitted by the applicant depicting the proposed development can be found in the record, and attached hereto as **Attachments B.**

3. 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 may use the search function without registering and enter the permit number listed here: 22 106238.

4. Existing Conditions

Site and Vicinity

The subject property consists of two tax lots, approximately 6.67 acres in size. The subject property will be created by a validation of a unit of land (VUL22-05), which will be recorded prior to the partition plat recording. The site is mostly a rectangle, approximately 380 feet in from west to east, and approximately 790 feet from north to south. The site currently has an existing commercial development and vehicle use area. The applicant has received approval of a validation of a unit of land (VUL22-05) to validate both tax lots as one unit of land.

Salem Area Comprehensive Plan (SACP) Designation

Urban Growth Policies: The subject property is located inside of 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

South: (Across Hyacinth Street NE) Industrial

East: (Across 25th Street NE) Industrial

West: (Across railroad tracks); Industrial

Zoning and Surrounding Land Use

The subject properties are zoned IC (Industrial Commercial) and contains a commercial development and associated development. The surrounding properties are zoned and used as follows:

North: IG (General Industrial); Industrial buildings and associated development

South: (Across Hyacinth Street NE); IG (General Industrial); Industrial buildings and

associated development

East: (Across 25th Street NE); IG (General Industrial); Industrial buildings and

associated development

West: (Across railroad tracks); IG (General Industrial); Industrial buildings and

associated development

Relationship to Urban Service Area

The subject property is inside of the City's Urban Service Area.

Infrastructure

Water: The subject property is located in the G-0 water service level.

An 10-inch water main is located in Hyacinth Street NE.

An 8-inch water main is located in 25th Street NE.

Sewer: A 8-inch public sewer main is located in Hyacinth Street NE and 25th

Street NE.

Storm Drainage: A 18-inch storm main is located in Hyacinth Street NE.

A 12-inch storm main is located in 25th Street NE.

Streets:

- 1) Hyacinth Street NE abuts the west boundary of the subject property. Hyacinth Street NE is designated as a Major Arterial Street in the Salem TSP.
- The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- A portion of Hyacinth Street NE is approximate 58-foot improvement within a 92-to-110-foot-wide right-of-way abutting the subject property.
- 2) 25th Street NE abuts the southern boundary of the subject property. The Salem TSP designates the abutting portion of 25th Street NE is designated as a Local in the Salem TSP.
- The standard for a Local Street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- This street has an approximate 50-foot improvement within a 62-footwide right-of-way abutting the subject property.

5. City Department Comments

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

Building and Safety Division - Reviewed the proposal and indicated no site concerns.

Fire Department - Reviewed the proposal and indicated no site concerns.

6. Public Agency Comments

No Public Agency comments were received by the end of the comment period.

7. Neighborhood Association Comments

The subject property is located within the boundaries of the Northgate Neighborhood Association.

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. The applicant submitted documentation of Neighborhood Association Contact provided on June 7, 2022 to the Northgate Neighborhood Association chairs.

<u>Neighborhood Association Comment</u>: Notice of the application was provided to the Northgate Neighborhood Association pursuant to SRC 300.620(b)(2)(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.

<u>Public Comment</u>: Notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, no comments from residents were submitted.

<u>Homeowners Association</u>: The subject property is not located within a Homeowners Association.

Decision Criteria Findings

8. Criteria for Granting a Tentative Partition

In order to ensure the Headwaters Subdivision aligns with the reconfigured property boundaries proposed with the two property line adjustments above, the applicant has also requested a tentative partition plan to the subdivision to reconfigure the affected lots and streets to align with all five phases of the subdivision.

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 partition 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 parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. 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 205.005(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 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

SRC Chapter 551 (Industrial Commercial): The proposed partition would divide the 15-acre property into three parcels. The subject properties are zoned IC (Industrial Commercial). The minimum lot area requirements of the IC zone are established under SRC 551.010(a) as follows:

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

Requirement	Minimum Standard
Lot Area (All uses)	None
Lot Width (All uses)	None
Lot Depth (All uses)	None
Street Frontage (Single family)	40 feet / 30 feet (on the turnaround of a cul-de-sac)
All other uses	16 feet

Staff Response: Proposed Parcel 1 is approximately 4.75 acres, would have approximately 200 feet of frontage on Hyacinth Street NE and would be approximately 200 feet in width and 900 feet in depth. Proposed Parcel 2 would be approximately 1.22 acres, would have approximately 480 feet of frontage on 25th Street NE and would be approximately 480 feet in width and 100 feet in depth. Proposed Parcel 3 would be approximately 0.70 acres, would have approximately 120 feet of frontage on Hyacinth Street NE and 230 feet of frontage on 25th Street NE, and would be approximately 230 feet in width and 120 feet in depth.

Each of the three proposed parcels in the partition meet the area, width, depth, and frontage lot standards. The proposed parcels within the partition are of sufficient size and dimension to permit future development of uses allowed within the zones.

Setback Standards for IC zone (Industrial Commercial) (see SRC Chapter 551, tables 551-3 and 551-4)

Adjacent to Streets:

- Buildings: Minimum 5 feet
- Vehicle Use Areas: Per SRC Chapter 806

Interior Front, Side, and Rear:

- Buildings:
 - Single family and two family: No minimum
 - Multiple family: Minimum 15 feet
 - All other uses: Zone-to-zone setback (Table 551-4)
- Vehicle Use Areas:
 - Single family and two family: Per SRC Chapter 806
 - Multiple family: Minimum 15 feet
 - All other uses: Zone-to-zone setback (Table 551-4)

Staff Response: There is an existing structure on the proposed parcels, which meet setback to new property lines. The applicant has not provided a development plan at this time. Future development within the parcels will be reviewed for adherence to setback requirements at the time of application for building permits or site plan review or design review. The proposed parcels greatly exceed the minimum parcels size for their respective zones, which provide sufficient width and depth to accommodate the required setbacks.

Lot Coverage: Maximum lot coverage requirements within the IC zone are established under SRC 551.010(c), Table 551-4. The IC zone does not have a maximum lot coverage standard for any uses.

Staff Response: The proposed parcels meet minimum lot coverage standards. New development will be reviewed at the time of development.

Landscaping: Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807. Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count towards meeting this requirement.

Staff Response: The proposed parcels do not meet minimum landscaping requirements to new property lines, the applicant has requested an adjustment which is addressed below.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot.

Staff Response: The existing structures on the proposed parcels meet setbacks to new property lines. Future development on the parcels will be reviewed against this standard at the time of site plan review and/or building permit.

The proposal meets the requirements of SRC Chapter 800.

SRC Chapter 806 (Off-Street Parking, Loading, and Driveways)

SRC 806.015(a) (Minimum Required Off-Street Parking): SRC 806.015(a) specifies minimum parking requirements.

Staff Response: Off-street parking requirements for the proposed parcels will be reviewed at the time of development.

The proposal meets the requirements of SRC Chapter 806.

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).

The applicant has not provided adequate evidence that the subject property was created legally, therefore the following condition applies:

Condition 1: Prior to final plat, the applicant shall provide adequate evidence the property was created in conformance to the Salem Revised Code at the time of creation or obtain final approval of a Validation of a Unit of land.

(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 partition 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 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. The subject property is located inside the Urban Service Area; therefore, a UGA permit is not required and the proposal conforms to the requirements of SRC Chapter 200.

<u>SRC Chapter 802 (Public Improvements):</u> Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed partition. Specifications for required public improvements are summarized in the Public Works Department memo dated July 26, 2022 (**Attachment C**).

SRC 802.015 (Development to be Served by City Utilities). Water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. Private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

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.

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

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

SRC 803.015 (Traffic Impact Analysis): The proposed three parcel partition is to divide an already developed parcel. All traffic impacts were analyzed accordingly with any future development. Therefore, a Traffic Impact Analysis is not required as part of the proposed partition submittal.

SRC 803.030 (Street Spacing): The proposed partition is not creating new streets.

SRC 803.035 (Street Standards): The proposed partition is not creating new streets.

Hyacinth Street NE abuts the subject property and does not meet the current standard for a major arterial street. As conditioned below, the applicant is required to convey right-of-way equal to 48-feet from the centerline of Hyacinth Street NE where the existing right-of-way is inadequate. 25th Avenue NE also abuts the subject property and meets or exceeds the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required to 25th Avenue NE.

Condition 2: Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Hyacinth Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Comments from Portland General Electric, the franchise utility provider of electricity for the subject property, request a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

Condition 3: Provide a 10-foot-wide public utility easement along the entire frontage of Hyacinth Street NE and 25th Avenue NE.

SRC Chapter 804 (Driveway Approaches)

The subject property is served by three (3) existing driveway approaches: one (1) approach onto Hyacinth Street NE and two (2) approaches onto 25th Avenue NE. Pursuant to SRC 804.045 staff recommends no additional driveways be granted for redevelopment of the subject property. The applicant shall show access easements on the final plat for shared access between the proposed parcels.

Condition 4: Easements for shared vehicular access shall be shown on the final plat.

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

<u>SRC Chapter 808 (Preservation of Trees and Vegetation):</u> SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single

family or duplex dwelling units, if the development proposal will result in the removal of trees.

The applicant has not proposed removal of any trees and the development is not for single family or two-family development.

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 does not show that there are wetland channels and/or hydric soils mapped on the property.

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 no mapped points landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 2 points. Therefore, the proposed development is classified as a low landslide risk and requires no additional information.

SRC 205.005(d)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.

Finding: The proposed partitions would divide one property into three proposed parcels the proposed configuration of parcels allows for the future development of the site consistent with applicable zoning standards. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

SRC 205.005(d)(3): Development within the tentative partition plan can be adequately served by City infrastructure.

Finding: Public Works Department staff reviewed the proposal and determined that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval.

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 5: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all parcels.

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. Prior to final plat approval, the applicant is required to submit a preliminary utility plan to demonstrate easements needed for utilities which may cross proposed property boundaries. Easements shall be dedicated on the plat.

Condition 6: Easements for existing and proposed utility infrastructure shall be shown on the final plat pursuant to PWDS.

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

SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Finding: As described in findings above, pursuant to SRC 803.040, the applicant is required to convey land for dedication of right-of-way to equal 48-feet from centerline along the entire frontage of Hyacinth Street, including sufficient right-of-way to accommodate public infrastructure at the corner and to meet arterial street standards.

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding: As indicated in Section 4 and the Public Works Memo (**Attachment H**), the streets abutting the subject property do not meet the current standards for their street designation according to the Salem TSP. As conditioned, the transportation system will remain safe, orderly and efficient.

SRC 205.005(d)(6): The tentative partition 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 partition 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 layout allows for reasonable development of all parcels within the partition without variances from the UDC. The proposal meets this criterion.

SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of site, topography, and vegetation will occur from the reasonable development of the parcels.

Finding: The proposal is to create parcels, the layout, size, and dimensions of the parcels have been evaluated and consistent with the Code. The partition is not proposing to remove any trees on the subject property. No heritage trees, riparian areas, or significant trees are identified on the tree conservation plan, and none are currently present on the subject property. The proposal meets this criterion.

SRC 200.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

- (A) The property is zoned residential:
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and
- (C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimension that is less than 100 feet.

Finding: The site is served by available sewer and water. Therefore, this criterion does not apply.

8. Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:

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

Finding: The applicant is requesting four Class 2 Adjustments to:

- Reduce the required 15-foot vehicle use area setback standard to ten-feet abutting Washington Street SE; and
- 2) Reduce the required 15-foot vehicle use area setback standard to ten-feet abutting residential property to the south.

Reduce the required five-foot vehicle use area setback standard to zero;

The purpose of requiring a setback five-feet to a property line abutting a vehicle use area is to provide green space and provide shade to the parking areas. The vehicle use area is existing and the location of new property lines require the setback. The applicant can provide additional landscaping in the small areas that meet the five-foot setback and the area that is setback four feet from the new property line on Parcel 3, which will equally meet the standard. In addition, on all three parcels any expansion or new vehicle use will meet the five-foot setback on either side of the property line.

The new property line running north-south between Parcel 1 and Parcels 2 and 3 is approximately 750-feet, with the existing development not meeting the setback along 280-feet of that property line. There is 80-feet of that section that meets the setback on the east side but not on the west, as conditioned below extra plantings in this area will equally meet the intent of the remaining area being reduced to zero.

Condition 7: The applicant shall meet a Type A landscaping standard with 50% of the plant units being trees in the landscaping island between the trash enclosure on Parcel 3 and the driveway.

In addition, there are sections on Parcels 2 and 3 that have not yet been developed. Any future development in this area can meet the required setback and potentially better meet the intent to off-set the zero setback on the remainder of the property line.

Condition 8: At the time of development of the 'gravel pad' on Parcel 2, any development shall be setback five feet from the west property line. The setback shall include landscaping at Type A standard.

Condition 9: At the time of development of the 'gravel pad' on Parcel 3, any development shall be setback ten feet from the west property line. The setback shall include landscaping at Type A standard and may include a pedestrian path.

The criterion is met.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is located within an IC (Industrial Commercial) zone; therefore, the criterion is not applicable.

SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: Two separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

Condition 10: The adjusted setback, loading space, and driveway spacing standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

9. Conclusion

Based upon review of SRC 205.005 and 250.055, the findings contained under Sections 7 and 8 above, and the comments described, the property line adjustments and tentative partition plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

That Tentative Partition Plan Case No. PAR-ADJ22-02, to divide 6.67 acres into three parcels as outlined above with two Class 2 Adjustment to eliminate the five-foot setback on either side of a new property line abutting an existing vehicle use area for properties zoned IC (Industrial Commercial) and located on the 2195 Hyacinth Street NE (Marion County Assessor Map and Tax Lot Numbers 073W12B / 200 and 300) is hereby **APPROVED** subject to 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:

Condition 1: Prior to final plat, the applicant shall provide adequate evidence the property was created in conformance to the Salem Revised Code at the time of creation or obtain final approval of a Validation of a Unit of land.

Condition 2: Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Hyacinth Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition 3: Provide a 10-foot-wide public utility easement along the entire frontage of Hyacinth Street NE and 25th Avenue NE.

Condition 4: Easements for shared vehicular access shall be shown on the final plat.

Condition 5: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all parcels.

Condition 6: Easements for existing and proposed utility infrastructure shall be shown on the final plat pursuant to PWDS.

Condition 7: The applicant shall meet a Type A landscaping standard with 50% of the plant

units being trees in the landscaping island between the trash enclosure on

Parcel 3 and the driveway.

Condition 8: At the time of development of the 'gravel pad' on Parcel 2, any development

shall be setback five feet from the west property line. The setback shall

include landscaping at Type A standard.

Condition 9: At the time of development of the 'gravel pad' on Parcel 3, any development

shall be setback ten feet from the west property line. The setback shall include landscaping at Type A standard and may include a pedestrian path.

Condition 10: The adjusted setback, loading space, and driveway spacing standards, as

approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future

development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future

land use action.

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

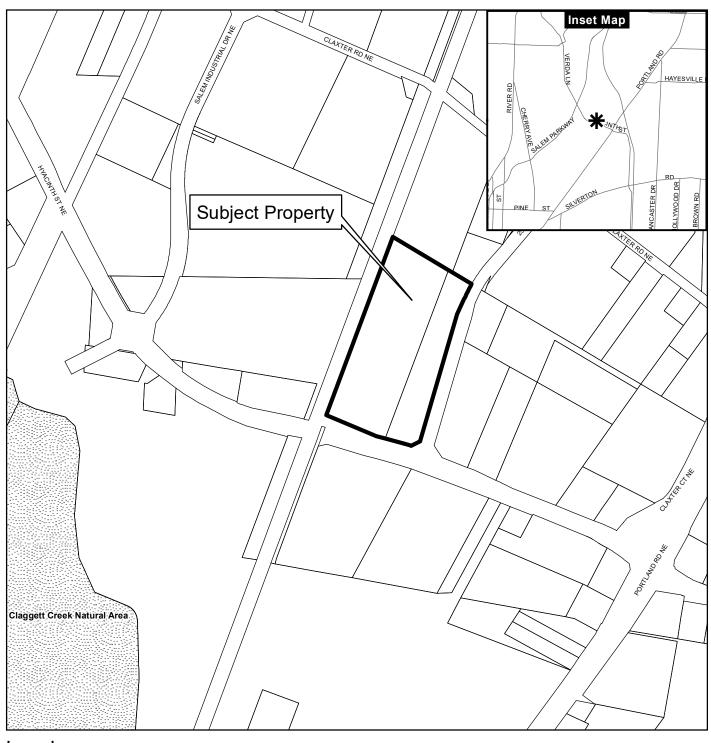
Attachments: A. Vicinity Map

B. Tentative Partition Plan

C. Public Works Department Memorandum

\\commdev\CDGroup\CD\PLANNING\CASE APPLICATION Files 2011-On\PARTITION\2022\Staff Reports - Decisions\PAR-ADJ22-02.docx

Vicinity Map 2195 Hyacinth Street NE



Legend

Taxlots

= ...

Urban Growth Boundary

City Limits

Outside Salem City Limits



Historic District



Schools

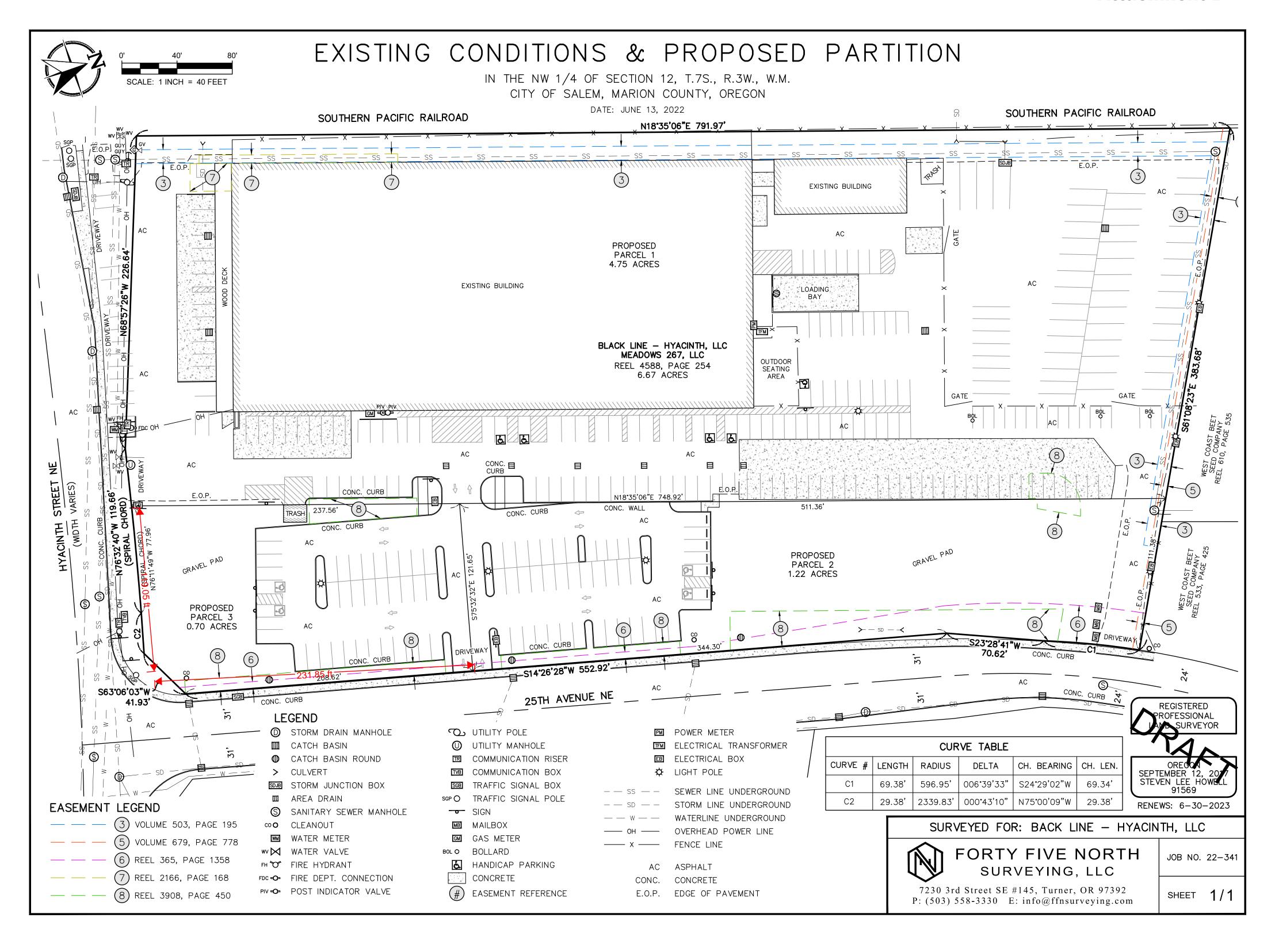






Community Development Dept.

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.





MEMO

TO: Olivia Dias, Current Planning Manager

Community Development Department

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

Public Works Department

DATE: July 26, 2022

SUBJECT: PUBLIC WORKS RECOMMENDATIONS

PARTITION PLAT NO. PAR-ADJ22-02 (22-113469; 22-113479)

2195 HYACINTH STREET NE THREE-PARCEL PARTITION

PROPOSAL

An application for a partition to create three parcels of approximately 0.70 acres, 1.22 acres, and 4.75 acres with two Class 2 Adjustment to eliminate the five-foot setback on either side of a new property line abutting an existing vehicle use area. The subject properties are approximately 6.67 acres, zoned IC (Industrial Commercial), and located on the 2195 Hyacinth Street NE (Marion County Assessor Map and Tax Lot Numbers 073W12B / 200 and 300).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

- 1. The following conditions of approval shall be completed prior to final plat approval:
 - a. Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Hyacinth Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
 - b. Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all parcels.
 - c. Easements for existing and proposed utility infrastructure shall be shown on the final plat pursuant to PWDS.
 - d. Easements for shared vehicular access shall be shown on the final plat.
 - e. Provide a 10-foot-wide public utility easement along the entire frontage of Hyacinth Street NE and 25th Avenue NE.

FACTS

Streets

1. Hyacinth Street NE

- a. <u>Standard</u>—This street is designated as a major arterial street in the Salem TSP.
 The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. <u>Existing Conditions</u>—This street has an approximate 58-foot improvement within a 92-to-110-foot-wide right-of-way abutting the subject property.

2. 25th Avenue NE

- a. <u>Standard</u>—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. <u>Existing Conditions</u>—This street has an approximate 50-foot improvement within a 62-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. An 18-inch storm main is located in Hyacinth Street NE.
- b. A 12-inch storm main is located in 25th Avenue NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 10-inch public water main is located in Hyacinth Street NE.
- c. An 8-inch public water main is located in 25th Avenue NE.

Sanitary Sewer

1. Existing Sewer

a. An 8-inch sewer main is located in Hyacinth Street NE and 25th Avenue NE.

MEMO

b. A 15-inch sewer main is located on the subject property within an easement.

CRITERIA AND FINDINGS

SRC 205.005(d) indicates 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 205.005(d)(1)—The tentative partition 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:

- (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
- (B) City infrastructure standards; and
- (C) 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 partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

A 10-foot-wide public utility easement is required along the entire frontage of Hyacinth Street NE and 25th Avenue NE pursuant to SRC 803.035(n).

Condition: Provide a 10-foot-wide public utility easement along the entire frontage of Hyacinth Street NE and 25th Avenue NE.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas.

Olivia Dias, Current Planning Manager July 26, 2022 Page 4

MEMO

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

SRC 205.005(d)(3)—Development within the tentative partition plan can be adequately served by City infrastructure.

Findings—Water and sewer infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan.

Redevelopment of the subject property 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: Design stormwater systems to serve all proposed parcels in compliance with PWDS. The stormwater systems shall be tentatively designed to accommodate future impervious surfaces on all parcels.

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. Prior to final plat approval, the applicant is required to submit a preliminary utility plan to demonstrate easements needed for utilities that may cross proposed property boundaries. Easements shall be dedicated on the plat.

Condition: Easements for existing and proposed utility infrastructure shall be shown on the final plat pursuant to PWDS.

SRC 205.005(d)(4) and SRC 205.005(d)(5)—The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan. The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Findings—Hyacinth Street NE abuts the subject property and does not meet the current standard for a major arterial street. As identified in the conditions of approval, the applicant is required to convey right-of-way equal to 48 feet from the centerline of Hyacinth Street NE where the existing right-of-way is inadequate. 25th Avenue NE also abuts the subject property and meets or exceeds the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required to 25th Avenue NE.

Olivia Dias, Current Planning Manager July 26, 2022 Page 5

MEMO

Condition: Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Hyacinth Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners

The subject property is served by three (3) existing driveway approaches: one (1) approach onto Hyacinth Street NE, and two (2) approaches onto 25th Avenue NE. Pursuant to SRC 804.045, staff recommends no additional driveways be granted for redevelopment of the subject property. The applicant shall show access easements on the final plat for shared access between the proposed parcels.

Condition: Easements for shared vehicular access shall be shown on the final plat.

Prepared by: Laurel Christian, Program Coordinator cc: File

Page Break

555 Liberty St SE Salem, OR 97301

CITY OF SALEM



Staff Report

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Josh Eggleston, Chief Financial Officer

SUBJECT:

Purchases approved administratively from July 1, 2022 through July 31, 2022.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods Result Area(s): Good Governance

SUMMARY:

Specific awards and the sources of funds for all contracts administratively awarded, renewed, or modified during the month of July. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual contracts.

ISSUE:

Monthly purchasing activity report presented for City Council review.

RECOMMENDATION:

Information only.

FACTS AND FINDINGS:

The attached purchases, renewals, and modifications were approved administratively during the month of July.

BACKGROUND:

The Interim City Manager, or her designee, approves administrative awards, renewals, and

 File #:
 22-361

 Version:
 1

 Item #:
 6.e.

modifications of contracts through the review of the Weekly Purchasing Report presented by the Contracts and Procurement Manager. All completed procurement transactions valued at \$25,000 and above that have been recommended for award by user departments are presented in the Weekly Purchasing Report and reviewed for compliance with the City's Public Contracting Rules.

Shawna Self, NIGP-CPP, CPPB Contracts & Procurement Manager

Attachments:

1. Purchases approved administratively July 2022

Category I: Current Fiscal Year Procurement Contracts

	Business Entity	Dept.	Description	Contract Amount	Fund
1	Cedar Mill Construction Company LLC	PW	Civic Center - Customer Service Center	\$1,365,800.00	CI
2	Consor North America, Inc. (Murraysmith)	PW	Design and Construction Services for the Steel Reservoir Safety Improvement Project	\$194,569.00	CI
3	Consor North America, Inc. (Murraysmith)	PW	Engineering Services for Improvements to the Aquifer Storage & Recovery Facility (Change Order No. 4) ¹	\$94,711.00	CI
4	Tyree Oil Inc.	ES-Fleet	Fuel: Unleaded & Diesel, FY 21/22 (Change Order No. 1) ²	\$50,000.00	CS
5	Gresham Ford	ES-Fleet	Ford Transit Van (Cooperative Agreement)	\$54,772.38	ERR
6	Sonsray Machinery	ES-Fleet	Case 321F Loader (Cooperative Agreement)	\$97,867.00	ERR
7	Turf Star Western	ES-Fleet	Groundmaster Mower 3300 (Cooperative Agreement)	\$33,420.23	ERR
8	Gresham Ford			\$104,230.92	F
9	Bibliotheca LLC	Library	Remote Outdoor Lockers (Sole Source)	\$37,997.00	G
10	Church at the Park	City Manager's Office	Support of Scattered Site Safe Park Program (Grant Agreement)	\$240,000.00	G
11	DSU Peterbilt	ES-Fleet 10 yard Tip Truck (Cooperative Agreement) \$65,586.00		G	
12	Gresham Ford	ES - Fleet	2023 F-150 Super Crew (Cooperative Agreement)	\$41,353.64	G
13	Turf Star Western	ES-Fleet	Toro Field Groomer Pro 6040 (Cooperative Agreement)	\$34,955.66	G
14	Church at the Park	City Manager's Office	Catholic Community Services Site Sheltering (ARPA Grant Agreement)	\$700,000.00	MFSG
15	Church at the Park	City Manager's Office	Catholic Community Services Site Sheltering (State Grant Agreement)	\$1,742,816.00	MFSG
16	Church at the Park	City Manager's Office	Village of Hope Sheltering Program (Grant Agreement)	\$1,984,806.56	MFSG
17	Owen Equipment Co.	ES-Fleet	Broom Bear Single Engine Street Sweeper (Cooperative Agreement) \$377,785.70		PW
18	Brown and Brown Northwest	ES-Risk	Insurance, FY 22/23 (Change Order No. 1) ³	\$600,000.00	SIRF

19	Black & Veatch Corporation	PW	Water Seismic Resiliency (Change Order No. 1) ⁴	\$30,480.00	U
20	ESRI	PW	Site Scan License Upgrade (Sole Source)	\$25,000.00	U
21	NearMap LLC	PW	Aerial Imagery - Annual Subscription (Sole Source)	\$29,450.20	U
22	Power Rents LLC	ES-Fleet	Hydrema 707G Off Highway Articulated 4x4 Ton Unit (Sole Source)	\$140,063.00	U
23	RC Mowers	ES-Fleet	Remote Operated Slope Mower (Cooperative Agreement)	\$61,408.01	U
24	Solenis, LLC	PW	Dewatering Polymer (Change Order No. 6) ⁵	\$80,365.26	U
25	Trailer Sales LLC	ES-Fleet	2023 Trinity Stainless Steel 40' Belt Trailer (Sole Source)	\$156,645.00	U
26	ESRI	IT	Annual Renewal for the City's Geographic Information System (GIS) (Sole Source)	\$165,000.00	Various
27	Verizon Wireless	Citywide	Cellular Phone Services, FY 21/22 (Change Order No. 1) ⁶	\$75,000.00	Various

255 CI = Capital Improvement Fund	\$1,655,080.00
355 CS = City Services Fund	\$50,000.00
388 ERR = Equipment Replacement Reserve Fund	\$186,059.61
479 F = Forfeitures	\$104,230.92
101 G = General Fund	\$419,892.30
404 MFSG = Misc. Federal and State Grants	\$4,427,622.56
155 PW = Public Works Fund	\$377,785.70
366 SIRF = Self Insurance Risk Fund	\$600,000.00
310 U = Utility Fund	\$523,411.47
Various = Various	\$240,000.00
TOTAL, CATEGORY 1	\$8,584,082.56

END NOTES TO CHANGE ORDERS:

- **1. Change Order No. 4 adds \$94,711:** Provides for a contingency task in case the well rehabilitation work extends through two construction seasons due to long lead-times for pump parts and services.
- 2. Change Order No. 1 adds \$50,000: Provides for additional fuel costs for fiscal year 2021-22.
- **3.** Change Order No. 1 adds \$600,000: Provides for an increase in insurance costs for fiscal year 2022-23.
- **4.** Change Order No. 1 adds \$30,480: Provides for additional costs that were encountered to complete cost estimates, conduct final workshop, and complete the final draft and report.
- **5. Change Order No. 6 adds \$80,365.26:** Underestimated annual usage for fiscal year 2021-22.
- **6. Change Order No. 1 adds \$75,000:** Underestimated annual usage for fiscal year 2021-22.

Category II: Annual Requirement Contracts

The following Category II Annual Requirement Contracts were approved administratively during the month of July 2022. The not-to-exceed contract amounts are competitively set by applying bidder's/proposer's per unit price(s) to estimated annual requirement quantities. These contracts carry no guarantee for quantity of units purchased or services performed during any annual contract period. Both the bids and the contracts themselves state that the City retains the right to not award contracts and/or change contract amounts, both dollar and quantity, based on specific Council/Budget Committee actions/decisions. These are non-exclusive, one-year contracts that may be renewed for up to four additional one-year renewal periods.

	Business Entity	Dept.	Description	Contract Amount	Fund
1	GT Landscape Solutions	PW	Parks and Right-of-Way Vegetation Management Program, FY 22/23	\$350,000.00	G
2	SEDCOR	UD	Economic Development Services, FY 22/23	\$25,000.00	G
3	Graybar	PW	Traffic Signal Poles, FY 22/23 (Cooperative Agreement)	\$50,000.00	PW
4	Cyclomedia Technology, Inc.	PW	LIDAR Survey Right-of-Way Data Collection, FY 22/23	\$597,700.00	Various
5	Infor Public Sector	IT	Hansen / Infor Renewal, FY 22/23 (Sole Source)	\$178,217.57	Various

101 G = General Fund	\$375,000.00	
155 PW = Public Works Fund	\$50,000.00	
Various = Various	\$775,917.57	
TOTAL, CATEGORY 2	\$1,200,917.57	

Page Break

CITY OF SALEM



Staff Report

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

Presenting the new City flag.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

SUMMARY:

The new City flag is being presented to City Council.

ISSUE:

Receive the new City flag.

RECOMMENDATION:

Information Only.

FACTS AND FINDINGS:

The City Council adopted a new City flag at their July 11^{th} meeting. The Council's vote included a request to adjust the color of the flag from red to pink, to resemble a cherry blossom more closely.

As recommended in *Good flag Bad flag*, the pink color of the blossom should look and feel appropriate, while also remaining vibrant on a flag after significant exposure to light. Therefore, the flag has been adjusted back to the designer's original pink color which will maintain its distinctiveness (Attachment 1).

 File #:
 22-365

 Version:
 1

 Item #:
 6.f.

The new City flag will be presented at the Salem Civic Center's 50th Anniversary celebration on August 18th.

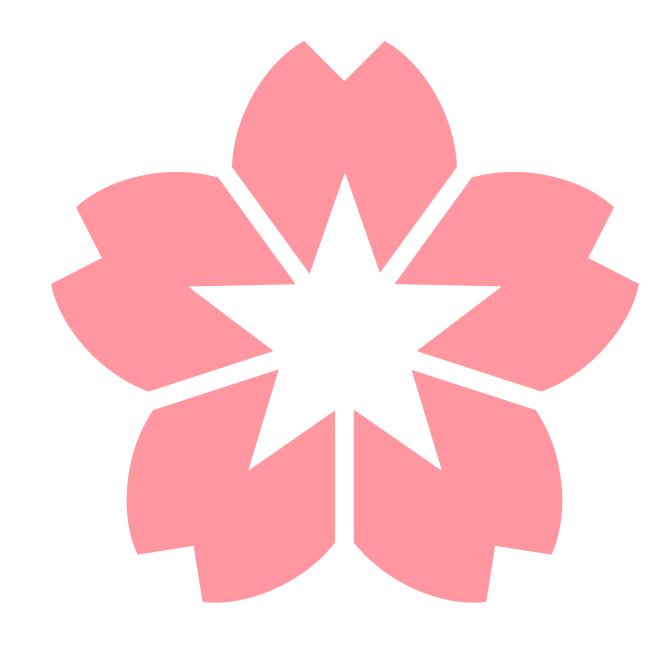
BACKGROUND:

The old Salem City flag was adopted in 1972, the same year the Vern Miller Civic Center was completed, to usher in a new era of Salem civic pride. It was also used, for a time, as the City logo, the City seal and on various infrastructure around town. The new flag will take its place in Council Chambers and the Peace Plaza.

Lisa Anderson-Ogilvie, AICP Deputy Community Development Director

Attachments:

1. New City of Salem Flag



Page Break

CITY OF SALEM



Staff Report

 File #:
 22-366

 Version:
 1

 Item #:
 6.g.

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Norman Wright , Community Development Director

SUBJECT:

Planning Administrator Decision - To consolidate seven properties into two lots. - Approved.

Tentative Replat Case No. REP22-06 - City of Salem Urban Development Department - 300 Block of Commercial St NE and 263 to 291 Chemeketa St NE

Ward(s): 1

Councilor(s): Stapleton Neighborhood(s): CANDO

RECOMMENDATION:

Information Only.

Bryce Bishop Planner III

Attachments:

1. Land Use Decision REP22-06

7/29/2022

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

DECISION OF THE PLANNING ADMINISTRATOR

TENTATIVE REPLAT CASE NO.: REP22-06

APPLICATION NO.: 22-111687-LD

NOTICE OF DECISION DATE: July 29, 2022

SUMMARY: An application to consolidate seven existing properties into two lots in order to accommodate future redevelopment.

REQUEST: A replat to consolidate seven existing properties (comprised of Lots 1-4 of Block 50 of the Salem plat) into two lots approximately 37,689 square feet and 15,647 square feet in size. The subject property is zoned CB (Central Business District) and located in the 300 block of Commercial Street NE and 263 to 291 Chemeketa Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03700, 03800, 03900, 04000, 04100, 04200, & 04300).

APPLICANT: Sheri Wahrgren – City of Salem Urban Development Department

LOCATION: 300 Block of Commercial St NE and 263 to 291 Chemeketa St NE, Salem, OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.025(d) – Replat

FINDINGS: The findings are in the attached Decision dated July 29, 2022.

DECISION: The **Planning Administrator APPROVED** Tentative Replat Case No. REP22-06 subject to the following conditions of approval:

Condition 1: Prior to final plat approval, demolition permits shall be obtained and

all existing buildings on the site shall be removed.

Condition 2: Show all existing and proposed easements on the final plat.

Condition 3: As shown on the applicant's tentative plan, convey 3.5 feet of land

for dedication of right-of-way along the alley adjacent to the

property.

The rights granted by the attached decision must be exercised, or an extension granted, by August 16, 2024, or this approval shall be null and void.

Application Deemed Complete:

Notice of Decision Mailing Date:

Decision Effective Date:

State Mandate Date:

July 13, 2022

July 29, 2022

August 16, 2022

November 10, 2022

Case Manager: Bryce Bishop, bbishop@cityofsalem.net, 503-540-2399

REP22-06 Notice of Decision July 29, 2022 Page 2

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. Monday, August 15, 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(s) 250. 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

DECISION

IN THE MATTER OF THE APPROVAL OF)	FINDINGS AND ORDER
REPLAT NO. 22-06;)	
300 BLOCK OF COMMERCIAL)	
STREET NE & 263 to 291 CHEMEKETA)	
STREET NE)	JULY 29, 2022

REQUEST

A replat to consolidate seven existing properties (comprised of Lots 1-4 of Block 50 of the Salem plat) into two lots approximately 37,689 square feet and 15,647 square feet in size. The subject property is zoned CB (Central Business District) and located in the 300 block of Commercial Street NE and 263 to 291 Chemeketa Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03700, 03800, 03900, 04000, 04100, 04200, & 04300).

PROCEDURAL FINDINGS

- 1. On June 3, 2022, an application for a replat was filed by Otak, Inc. on behalf of the applicant, the City of Salem Urban Development Department, and property owner, the Urban Renewal Agency of the City of Salem, to consolidate seven existing properties into two lots in order to accommodate future redevelopment.
- 2. After additional requested information was provided by the applicant, the application was deemed complete for processing on July 13, 2022, and notice was provided pursuant to Salem Revised Code (SRC) requirements. The state-mandated 120-day local decision deadline for the application is November 10, 2022.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed replat seeks to consolidate seven existing properties (comprised of Lots 1-4 of Block 50 of the Salem plat) into two lots approximately 37,689 square feet and 15,647 square feet in size in order to accommodate future redevelopment. The properties are located in the 300 block of Commercial Street NE and 263 to 291 Chemeketa Street NE (Attachment A).

2. 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 tentative plan of the proposed replat submitted by the applicant showing the size and configuration of the proposed consolidated lots is included as **Attachment B**.

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included as **Attachment C**.

3. 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 may use the search function without registering and enter the permit number listed here: 22 111687.

4. Salem Area Comprehensive Plan (SACP)

The subject property is designated Central Business District on the Salem Area Comprehensive Plan map.

The Comprehensive Plan designations of surrounding properties include:

Comprehensive Plan Designation of Surrounding Properties				
North	Across Center Street NE, Central Business District			
South	Across Chemeketa Street NE, Central Business District			
East	Across Commercial Street NE, Central Business District			
West	Across alley, Central Business District			

5. Zoning

The subject property is zoned CB (Central Business District). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties				
North	Across Center Street NE, CB (Central Business District)			
South	Across Chemeketa Street NE, CB (Central Business District)			
East	Across Commercial Street NE, CB (Central Business District)			
West	Across alley, CB (Central Business District)			

6. Existing Conditions

The subject property consists of seven tax lots (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03700, 03800, 03900, 04000, 04100, 04200, & 04300) and totals approximately 1.25 acres in size.

REP22-06 Decision July 29, 2022 Page 3

The subject property has frontage on two streets, Commercial Street NE to the east and Chemeketa Street NE to the south; abuts an alley to the west; and abuts and alley north, which separates the subject property from Center Street NE. Both Commercial Street and Center Street are designated as a Major Arterials under the Salem Transportation System Plan (TSP) and Chemeketa Street is designated as Collector street. Center Street is under the jurisdiction of the Oregon Department of Transportation (ODOT).

The subject property includes existing buildings and off-street parking areas located throughout the site. As identified on the replat tentative plan (Attachment B), all existing buildings, site features, and improvements will be removed in order to accommodate future redevelopment of the two proposed consolidated lot.

7. Public and Private Agency Review.

Notice of the proposal was provided to City Departments, public agencies, and to public & private service providers. The following comments were received:

- A. The City of Salem Building and Safety Division reviewed the proposal and identified no issues or objections.
- B. The City of Salem Public Works Department reviewed the proposal and provided comments pertaining to City infrastructure required to serve the proposed development. Comments from the Public Works Department are included as **Attachment D**.

8. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CAN-DO) Neighborhood Association.

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), Replat applications do not require neighborhood association contact.

Neighborhood Association Comments

Notice of the application was provided to the neighborhood association 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. The neighborhood association reviewed the proposal and indicated that the CAN-DO board has no position or comments on the case at this time.

Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(ii), (iii), (vi), & (vii), to property owners and tenants within 250 feet of the subject property. No public comments were received.

Homeowners' Association

SRC 300.520(b)(1)(B)(iv) requires notice to be provided to any active and duly incorporated Homeowners' Association (HOA) appliable to the property. The subject property is not located within a Homeowners' Association.

9. Replat Approval Criteria

Pursuant to SRC 205.025(a), a replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat.

SRC 205.025(d) establishes the approval criteria which must be met in order for a replat to be approved. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the replat, or for the issuance of certain conditions to ensure the criteria are met.

SRC 205.025(d)(1): The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Finding: The purpose of the proposed replat is to consolidate the seven existing properties which make up the subject property (comprised of Lots 1-4 of Block 50 of the Salem plat) into two lots approximately 37,689 square feet and 15,647 square feet in size in order to accommodate future redevelopment of the property.

The replat does not propose to vacate any of the public streets that abut the property or any recorded covenants or restrictions. The proposed replat meets this approval criterion.

SRC 205.025(d)(2): The tentative replat will not create non-conforming units of land or non-conforming development, or increase the degree of non-conformity in existing units of land or development.

Finding: The subject property is zoned CB (Central Business District). The minimum lot size and dimension requirements applicable to the subject property based on its zoning are included under SRC 524.010(a). A summary of the applicable minimum lot size and dimension requirements is provided in the following table:

CB Zone Lot Size & Dimension Standards		
Lot Area	None	
Lot Width	None	
Lot Depth	None	
Street Frontage	Min. 16 ft. (applicable to all uses except for Single Family)	

REP22-06 Decision July 29, 2022 Page 5

As shown on the replat tentative plan (Attachment B), the two consolidated lots resulting from the proposed replat are approximately 37,689 square feet and 15,647 square feet in size. The proposed consolidated lots exceed the minimum lot area, dimension, and street frontage requirements of the CB zone and do not result in the creation of non-conforming units of land.

Setbacks and lot coverage requirements applicable to the subject property based on its zoning are included under SRC 524.010(c) and (d) (CB Zone setbacks and lot coverage standards). Within the CB zone there is a 0 ft. / maximum 10 ft. setback required for buildings abutting a street and there are no minimum building setbacks required abutting interior side or rear property lines (including property line abutting an alley). There is also no maximum lot coverage requirement for buildings and accessory structures in the zone.

As shown on the replat tentative plan (Attachment B), there are existing structures located on the subject property which are identified for removal to accommodate future redevelopment. The proposed replat will result in the consolidation of the seven existing smaller properties which currently make up the site into two larger consolidated lots. As a result, the existing property lines which divide the property into its current seven distinct properties will be eliminated except for the property line between 325 Commercial Street NE and 345 Commercial Street NE. This property line will remain, but is proposed to be made into a straight line, and will provide the new lot line boundary between Parcel 1 and Parcel 2 of the proposed replat. In addition, in order to provide sufficient width for two-way vehicle circulation and to conform to fire department access requirements, the existing 16.5-foot-wide alley to the west of the subject property is proposed to be widened to a width of 20 ft. As such, 3.5 feet of additional right-of-way is proposed to be dedicated along the entire western boundary of the subject property to accommodate the wider alley width.

Because the CB zone does not establish a minimum interior side setback requirement for buildings and accessory structures or a minimum interior rear setback requirement for buildings, accessory structures, and parking and vehicle use areas, neither the location of the new interior side lot line between proposed Parcels 1 and 2 nor the dedication of additional right-of-way along the western property line to accommodate the widened alley will result in the creation of nonconforming development or an increase in nonconformity in terms of the standards of the City's Unified Development Code (UDC).

The provision of a new interior side lot line between proposed Parcels 1 and 2 that is a straight line, rather than a line with a jog in it in order to follow the boundary between the existing buildings located 325 Commercial Street NE and 345 Commercial Street NE, will, however, result in a portion of the new lot line between these existing buildings being located under the building at 345 Commercial Street. This would make the building nonconforming under the Building Code. As indicated on the replat tentative plan, all existing buildings and site improvements on the subject property are proposed to be removed which will eliminate any issues of nonconformity created as a result of the proposed replat. However, in order to ensure that the proposed replat will not result in the creation of nonconforming development and that the existing building at 345 Commercial Street NE will not become nonconforming with respect to the Building Code due to proposed location of the new lot line between proposed Parcels 1 and 2, the following condition of approval shall apply:

REP22-06 Decision July 29, 2022 Page 6

Condition 1: Prior to final plat approval, demolition permits shall be obtained and all existing buildings on the site shall be removed.

As conditioned, the proposed replat will not result in either the creation of non-conforming units of land or non-conforming development; and will not increase the degree of non-conformity in existing units of land or development. This approval criterion is met.

SRC 205.025(d)(3): The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.

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

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration prior to development of property located outside the City's Urban Service Area. Because the subject property is located within the City's Urban Service Area, and because the proposal is for a replat, an Urban Growth Preliminary Declaration is not required for the development pursuant to SRC 200.020.

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

<u>SRC Chapter 524 (Central Business District Zone)</u>: The subject property is zoned CB (Central Business District). The proposed replat seeks to consolidate the seven existing properties which currently make up the subject property into two larger lots approximately 37,689 square feet and 15,647 square feet in size.

The lot areas and dimensions of the proposed replatted lots exceed the minimum lot size, dimension, and street frontage requirements of the CB zone and are of a size and configuration that is suitable for their future development in conformance with the applicable requirements of the CB zone. Future development of the lots will be reviewed for conformance with the applicable development standards of the zone at the time of site plan review and building permit approval for development of the properties.

<u>City Infrastructure Standards:</u> The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to the provision of streets, water, sewer, and storm drainage facilities and determined that such facilities are available and appear to be adequate to serve future development of the lots in conformance with the requirements of SRC Chapter 802 (Public Improvements) and SRC Chapter 803 (Streets and Right-of-Way Improvements). A summary of existing improvements are as follows:

Water

- The subject property is located within the G-0 water service level.
- ❖ A 12-inch water main is located in Commercial Street NE.
- ❖ A 10-inch water main is located in Center Street NE.
- ❖ A 24-inch water main is located in Chemeketa Street NE.

■ <u>Se</u>wer

❖ An 8-inch sewer main is located in the alley abutting the western boundary of the subject property.

Storm Drainage

- ❖ An 8-inch stormwater main is located in Center Street NE.
- ❖ A 15-inch stormwater main is located in Chemeketa Street NE.

Streets

❖ Commercial Street NE

Commercial Street is designated as a Major Arterial street in the Salem Transportation System Plan (TSP). The standard for this classification of street is an 68-foot-wide improvement within a 96-foot-wide right-of-way. The portion of Commercial Street abutting the subject property has an existing approximate 72-foot-wide improvement within a 100-foot-wide right-of-way.

Chemeketa Street NE

Chemeketa Street is designated as a Collector street in the Salem TSP. The standard for this classification of street is a 40-foot-wide improvement within a 60-foot-wide right-of-way. The portion of Chemeketa Street abutting the subject property has an existing approximate 60-foot-wide improvement within a 100-foot-wide right-of-way.

❖ Center Street NE

Center Street is designated as a Major Arterial street in the Salem TSP and is under the jurisdiction of the Oregon Department of Transportation (ODOT). The standard for this classification of street is a 68-foot wide improvement within a 96-foot-wide right-of-way. The portion of Center Street abutting the subject property has an existing approximate 70-foot-wide improvement within a 100-foot-wide right-of-way.

<u>SRC Chapter 808 (Preservation of Trees and Vegetation):</u> The City's tree preservation ordinance (SRC Chapter 808) protects:

- 1) Heritage Trees;
- 2) Significant Trees (including Oregon White Oaks with diameter-at-breast-height (dbh) of 20 inches or greater and any other tree with a dbh of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
- 3) Trees and native vegetation in riparian corridors; and
- 4) Trees on lots or parcels 20,000 square feet or greater.

REP22-06 Decision July 29, 2022 Page 8

In addition, tree conservation plans are required in conjunction with any development proposal involving the creation of lots or parcels to be used for the construction of single family dwelling units or middle housing, if the development proposal will result in the removal of trees.

As shown on replat tentative plan (Attachment B), there are no existing trees on the subject property. The tree preservation requirements of SRC Chapter 808 are therefore not applicable.

<u>SRC Chapter 809 (Wetlands):</u> Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetlands Inventory (LWI), the subject property does not contain any mapped wetlands or waterways. The subject property also does not contain any hydric or wetlands-type soils. As such, no impacts to wetlands or required mitigation measures are required in conjunction with the replat and future development of the subject property.

SRC Chapter 810 (Landslide Hazards): The topography of the subject property is flat. According to the City's adopted landslide hazard susceptibility maps, the subject property does not contain any areas of mapped landslide hazard susceptibility points. Pursuant to the City's landslide hazard ordinance (SRC Chapter 810), a geologic assessment is therefore not required in conjunction with the future development of the subject property.

As identified above, the proposed replat complies with the standards of SRC Chapter 205 and with all applicable provisions of the UDC. This approval criterion is met.

SRC 205.025(d)(4): The tentative replat complies with all applicable provisions of ORS Chapter 92.

ORS 92.185 establishes standards for replatting, including standards for reconfiguration of lots or parcels and public easements, vacation, notice, and utility easements. The proposed replat meets all applicable provisions of ORS 92.185 as detailed below:

ORS 92.185(1): A replat, as defined in ORS 92.010, shall only apply to a recorded plat.

Finding: The land subject to the proposed replat consists of properties comprised of Lots 1-4 of Block 50 of the Salem plat. The proposal complies with this requirement.

ORS 92.185(2): Notice shall be provided as described in ORS 92.225(4) when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.

Finding: Streets and infrastructure have been constructed to serve the platted subdivision lots subject to the proposed replat. The existing subdivision is therefore defined as a "developed" subdivision pursuant to ORS 92.225 and this requirement is not applicable to the proposal.

REP22-06 Decision July 29, 2022 Page 9

<u>ORS 92.185(3):</u> Notice, consistent with the governing body of a city or county approval of a tentative plan of a subdivision plat, shall be provided by the governing body to the owners of property contiguous to the proposed replat.

Finding: As described in the procedural findings included in this decision, notice was provided to owners of property, including any contiguous property, located within 250 feet of the subject property. The public notice provided for replats is the same type of notice provided for subdivisions and other Type II land use applications under SRC 300.520. The proposal therefore satisfies this requirement.

ORS 92.185(4): When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of the property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the governing body within 14 days of the mailing or other service of the notice.

Finding: In addition to providing notice to owners of property located within 250 feet of the subject property, notice of the proposed replat was also provided to public and private utility providers serving the subject property. The replat does not propose to realign, reduce in width, or omit any utility easements. The proposal therefore satisfies this requirement.

ORS 92.185(5): A replat shall not serve to vacate any public street or road.

Finding: The proposed replat does not vacate any public street or road. The public streets abutting the property will remain in place and the right-of-width of the alley to the west of the property will be increased in width from 16.5 ft. to 20 ft. in order to accommodate two-way vehicular traffic and to meet fire department access requirements. The proposal therefore satisfies this requirement.

ORS 92.185(6): A replat shall comply with all subdivision provisions of this chapter and all applicable ordinances and regulations adopted under this chapter.

Finding: Staff has reviewed the proposed replat for compliance with the applicable provisions of the ORS Chapter 92 and the Salem Revised Code. As described in the findings in this decision regarding conformance with the approval criteria under SRC 205.025(d), the proposed replat complies with all applicable subdivision standards, including lot size and dimensions, access and circulation, and availability of public and private utility infrastructure. The proposal therefore satisfies this requirement. The proposal complies with the requirements of ORS Chapter 92.

SRC 205.025(d)(5): The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.

Finding: There are no past land use decisions, or conditions of approval associated with any past land use decisions, affecting the subject property that prohibit the proposed replat. This approval criterion is met.

SRC 205.025(d)(6): The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.

Finding: The Public Works Department reviewed the proposal and indicated in summary, as specified in **Attachment D**, that water, sewer, and storm drainage facilities are available and appear to be adequate to serve the subject property in conformance with the requirements of SRC Chapter 802 (Public Improvements), and public streets abutting the subject property are available to provide adequate street access to the property in conformance with SRC Chapter 803 and the Salem Transportation System Plan (TSP).

In order to ensure applicable rights of access are maintained to existing and proposed utilities on the property following the replat and consolidation of the existing lots, the following condition of approval shall apply:

Condition 2: Show all existing and proposed easements on the final plat.

In addition, the Public Works Department indicates there's an existing public sewer main within the unnamed alley directly adjacent to the subject property. Because the exiting alley is only approximately 16.5 feet in width and the Public Works Design Standards (PWDS) require a minimum 20-foot easement or 20-foot right-of-way to provide unobstructed access to a public sewer main, the following condition of approval shall apply in order to ensure access to the sewer main in conformance with the Public Works Design Standards.

Condition 3: As shown on the applicant's tentative plan, convey 3.5 feet of land for dedication of right-of-way along the alley adjacent to the property.

The proposed replat, as conditioned, meets this criterion.

CONCLUSION

Based upon review of SRC 205.025(d), the findings contained under section 9 above, the comments described, and subject to the condition(s) of approval adopted herein, the tentative replat complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

The request to consolidate seven existing properties (comprised of Lots 1-4 of Block 50 of the Salem plat) into two lots approximately 37,689 square feet and 15,647 square feet in size, for property zoned CB (Central Business District) and located in the 300 block of Commercial Street NE and 263 to 291 Chemeketa Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03700, 03800, 03900, 04000, 04100, 04200, & 04300), is hereby APPROVED subject to SRC Chapters 205 and 524, and the following conditions prior to final plat approval, unless otherwise indicated:

Condition 1: Prior to final plat approval, demolition permits shall be obtained and all existing buildings on the site shall be removed.

REP22-06 Decision July 29, 2022 Page 11

Condition 2: Show all existing and proposed easements on the final plat.

Condition 3: As shown on the applicant's tentative plan, convey 3.5 feet of land for

dedication of right-of-way along the alley adjacent to the property.

Bryce Bishop, Planner III, on behalf of Lisa Anderson-Ogilvie, AICP Planning Administrator

Attachments: A. Vicinity Map

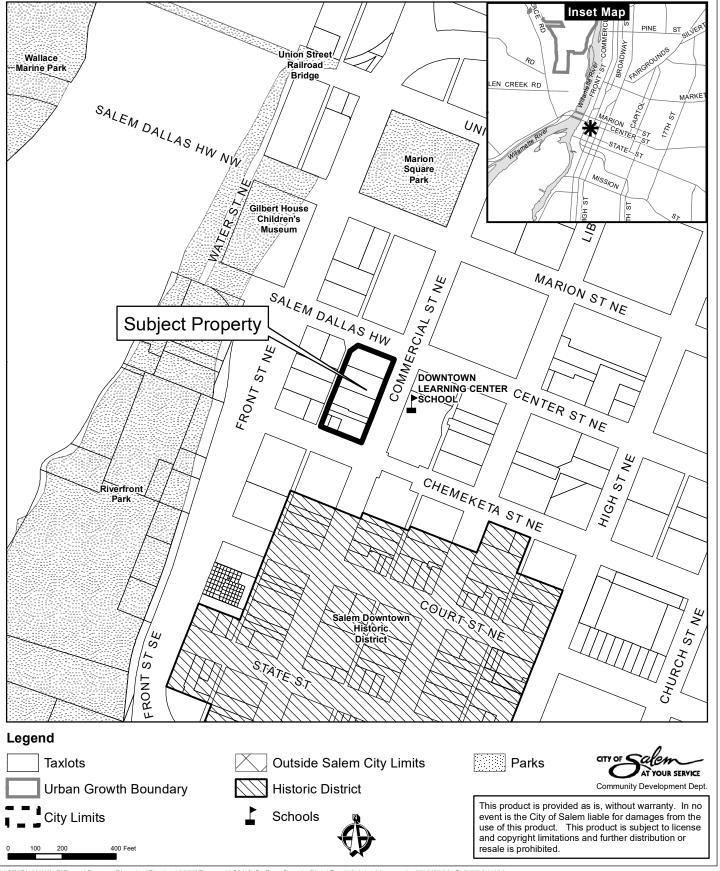
B. Replat Tentative Plan

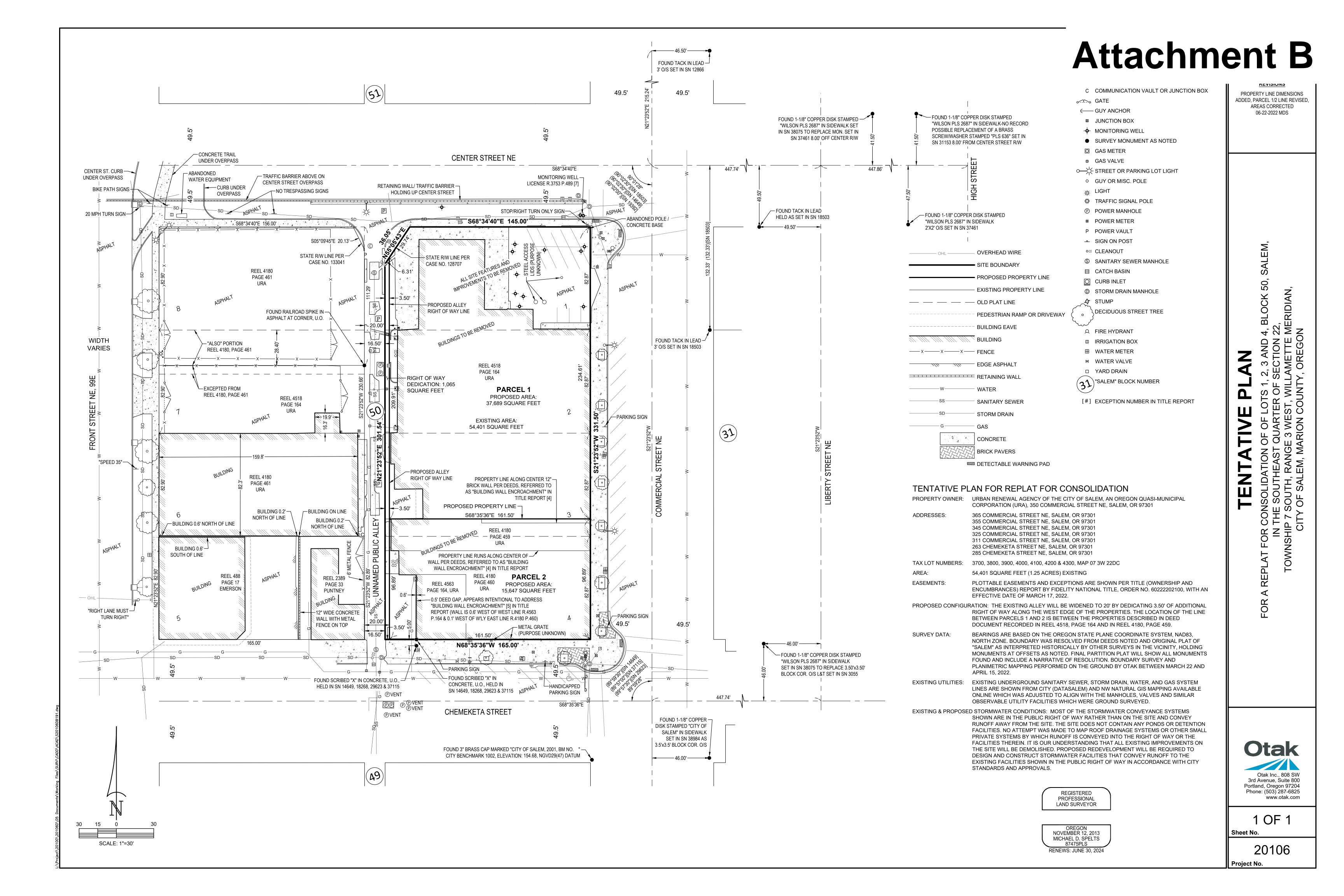
C. Applicant's Written Statement

D. City of Salem Public Works Department Comments

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\REPLAT\2022\Planner Docs\REP22-06.bjb.docx

Vicinity Map 300 Block of Commercial Street NE & 263 to 291 Chemeketa Street NE







Commercial Street NE Replat Application EastCity of Salem, Oregon

Prepared for: City of Salem, Oregon 555 Liberty Street SE Salem, OR 97301

June 06, 2022

Prepared By: Otak, Inc. 808 SW Third Ave, Suite 800 Portland, OR 97204

Project No. 20106D.000

Requests

Replat approval is requested for Tax Lot No. 073W22DC 4300, 4200, 4100, 4000, 3800, and 3700.

Site Information

Subject Property: Tax Lot No. 073W22DC 4300, 4200, 4100, 4000, 3800, and 3700

Site Area: 54,129 sq. ft./1.2 acres. (Combined)

Comprehensive Plan

Designation:

Central Business District

Zoning Designation: CB (Central Business District)

Overlay Zone: None

Applicant/Property Owner

Applicant: City of Salem Public Works

350 Commercial St. NE Salem, OR 97301

Contact: Sherri Wahrgren

503.588.3211

swahrgren@cityofsalem.net

Owner: City of Salem, Oregon

555 Liberty Street SE Salem, OR 97301

Project Development Team

Applicant's Representative Otak, Inc.

808 SW Third Avenue. Suite 800

Portland, OR 97204

Land Use Planner: Contact: Steven McAtee, Planner

503.415.2376

steven.mcatee@otak.com

Surveyor: Contact: Mike Spelts, PLS

503.415.2321

mike.spelts@otak.com

TABLE OF CONTENTS

		Page
1.	Requests	1
2.	Project Description	1
3.	Salem Revised Code: 205.025 - Replat	2

Appendices

Appendix A Pre-Application Summary Report Appendix B Title Reports

Appendix C Property Deeds

Plan Set

Exhibit 1 Tentative Plan

1. Requests

Replat approval is requested consolidate four properties into two properties. This application is the second of two associated with this site.

2. Project Description

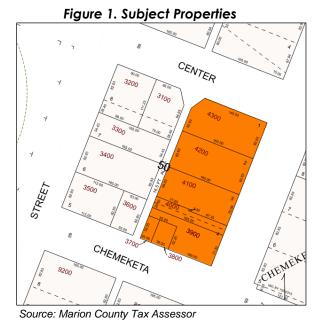
The City of Salem Public Works Department submits this application to consolidate existing property boundaries into two properties. The subject properties are identified by Tax Lot No. 073W22DC 4300, 4200, 4100, 4000, 3800, and 3700. They are located abutting Commercial Street NE in downtown Salem, in the block bound by Front St NE, Chemeketa St NE, Center St NE, and Commercial Street NE. The subject properties are located on the west side of the alley and are zoned CB and are within the General Retail/Office and Front Street Overlay zones.

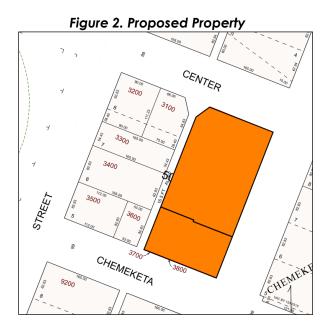
As documented in the Pre-App Planning Summary (Appendix A) the properties were found by City of Salem staff to be lawfully created units of land, and were platted as Lots 1, 2, 3, and 4 of Block 50 of the Salem plat.

A separate Replat application will be submitted to consolidate all properties on the east side of the alley into two properties.

A 3.5 ft. public right-of-way dedication is anticipated on the east side of the alley as part of this project.

Figure 1. illustrates the existing tax lot boundaries of the subject properties and **Figure 2** shows the proposed consolidation into one lot for future development.





3. Salem Revised Code: 205.025 – Replat.

- a. Applicability. A replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat. No replat shall occur without receiving tentative replat approval as set forth in this section.
- b. Procedure type. A tentative replat is processed as a Type II procedure under SRC chapter 300.

Response: This proposal involves consolidating four lawfully created units of land into one unit of land. Because the properties were found by Planning Staff to be platted lots, a Replat is an applicable procedure for this proposal.

c. Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative replat shall include the information required in SRC 205.030. If the replat will vacate any easement, the tentative replat plan shall show the easement proposed to be vacated.

Response: As addressed immediately below, all submittals required for a Replat application have been provided with this application.

Sec. 205.030. Additional submittal requirements.

a. A tentative plan map, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information: [...]

Response: A tentative plan meeting the above requirements has been submitted with this application as Exhibit 1.

b. A current title report for the property;

Response: A current title report has been submitted with this application as Appendix B. Property deeds have been included as Appendix C.

c. A completed tree inventory on a form as provided by the Director accurately identifying all existing trees on the property as of the date of application submittal and, if required under SRC chapter 808, a tree conservation plan;

Response: The proposed replat is not intended to create parcels to be used for single-family, two-family, three-family, four-family uses, or cottage clusters. A tree plan is not required or provided, because a tree conservation plan is not required for this Replat application.

d. A geological assessment or geo-technical report, if required by SRC chapter 810;

Response: There is no proposed development of the properties at this time. A geologic assessment or geo-tech report will be submitted for review upon future development of the subject site.

e. A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;

Response: Utilities are provided on the site plan/tentative plan. Because there is not development proposed under this review, there is no proposed stormwater management system. Future development, reviewed under separate applications for development, will include applicable stormwater information.

f. A schematic plan showing the location of existing and proposed city infrastructure;

Response: The site plan included with this application includes existing City infrastructure.

g. A preliminary grading plan, for partitions, subdivisions, and phased subdivisions, when grading of the subject property will be necessary to accommodate the proposed development;

Response: The application is not for a partition, subdivision, or phased subdivision. There is no proposed development of the properties at this time. A grading plan will be submitted for review upon future development of the subject site.

h. For residentially zoned property, where the partition or subdivision will result in a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the location of lot or parcel lines and other details of layout and demonstrating that future further division of the lot or parcel may readily be made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.

Response: The subject site is zoned CB and is not a residential zoning. This requirement is not applicable.

i. For partitions of property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, a plan showing: [...]

Response: The proposed application is a replat, not a partition. The subject site is located in Downtown Salem and within 300 ft. of an available sewer main. This requirement is not applicable.

j. For subdivisions and phased subdivisions: [...]

Response: This is an application for a Replat. This requirement is not applicable.

- d. Criteria. A tentative replat shall be approved if all of the following criteria are met:
 - (1) The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Response: This replat application does not propose to vacate any public street, road, covenants or restrictions. This standard is met.

(2) The tentative replat will not create nonconforming units of land or non-conforming development, or increase the degree of nonconformity in existing units of land or development.

Response: This proposed replat complies with the standards of this chapter and all provisions of the Salem Unified Development Code. There are no minimum or maximum lot dimension requirements in the CB zone.

(3) The tentative replat complies with the standards of this chapter and with all applicable provisions of the UDC.

Response: This proposed replat complies with the standards of this chapter and all provisions of the Salem Unified Development Code.

(4) The tentative replat complies with all applicable provisions of ORS ch. 92.

Response: The proposed Replat application complies with applicable sections of ORS Ch. 92.

(5) The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.

Response: There are no known approvals or conditions of approval that affect any units of land associated with this replat application. This standard is met.

(6) The tentative replat does not adversely affect the availability of, or access to, city infrastructure or public or private utilities or streets.

Response: The proposed Replat application is being requested by the City of Salem. It does not adversely affect availability or access to city infrastructure.

e. Notice to utilities. When a utility easement is proposed to be realigned, reduced in width, or eliminated by a replat, notice of the tentative replat application shall be mailed as provided in SRC 300.520(b)(1) to all affected utility companies or public agencies. Any utility company that desires to maintain an easement that would be realigned, reduced in width, or eliminated by a proposed replat must notify the Director in writing within 14 days of the mailing date of the notice. If an objection to the realignment, reduction in width, or elimination of an easement is received within the 14-day period, the utility easement shall not be realigned, reduced in width, or eliminated.

Response: There are no proposed utility easement relocations.

f. Expiration. Tentative replat approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

Response: Table 300-3 indicates Replat applications shall expire two years from the decision effective date, with the ability to request up to four extensions, for a maximum of two additional years. The applicant acknowledges these timelines.





TO: Bryce Bishop, Planner III

Community Development Department

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

Public Works Department

DATE: July 27, 2022

SUBJECT: PUBLIC WORKS RECOMMENDATIONS

REP22-06 (22-111687)

370 COMMERCIAL STREET NE REPLAT OF SEVEN LOTS

PROPOSAL

A replat to consolidate seven existing properties (comprised of Lots 1-4 of Block 50 of the Salem plat) into two lots approximately 37,689 square feet and 15,647 square feet in size. The subject property is zoned CB (Central Business District) and located in the 300 block of Commercial Street NE and 263 to 291 Chemeketa Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03700, 03800, 03900, 04000, 04100, 04200, & 04300).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

- 1. Show all existing and proposed easements on the final plat.
- 2. As shown on the applicant's tentative plan, convey 3.5 feet of land for dedication of right-of-way along the alley adjacent to the property.

FACTS

Streets

- 1. Commercial Street NE
 - a. <u>Standard</u> This street is designated as a major arterial street in the Salem TSP.
 The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
 - b. <u>Existing Conditions</u> This street has an approximate 72-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

2. Chemeketa Street NE

- a. <u>Standard</u> This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 40-foot-wide improvement within a 60-foot-wide right-of-way.
- b. <u>Existing Conditions</u> This street has an approximate 60-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

3. Salem Dallas Highway

- a. <u>Standard</u> This street is designated as a major arterial street in the Salem TSP and is under jurisdiction of the Oregon Department of Transportation (ODOT). The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. <u>Existing Conditions</u> This street has an approximate 70-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

4. Unnamed Alley

- a. <u>Standard</u>—This right-of-way is designated as an alley in the Salem TSP. The standard for this classification is a 10-to-20-foot-wide right-of-way.
- b. <u>Existing Conditions</u>—This right-of-way has an approximate 16-foot improvement within a 16.5-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. An 8-inch stormwater main is located in Salem Dallas Highway.
- b. A 15-inch stormwater main is located in Chemeketa Street NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch water main is located in Commercial Street NE.

- c. A 10-inch water main is located in Salem Dallas Highway.
- d. A 24-inch water main is located in Chemeketa Street NE.

Sanitary Sewer

- 1. Existing Sewer
 - a. An 8-inch sewer main is located in the unnamed alley abutting the subject property.

CRITERIA AND FINDINGS

SRC 205.025(d) indicates 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 205.025(d)(1)—The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Findings—The applicant's proposal does not vacate any public rights-of-way.

SRC 205.025(d)(3)—The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.

Findings—The applicant shall provide the required field survey and subdivision replat as per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and the SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and pursuant to SRC 205.035, the approval of the subdivision replat plat by the City Surveyor may be delayed or denied based on the non-compliant violation.

SRC 205.025(d)(4)—The tentative replat complies with all applicable provisions of ORS Chapter 92.

Findings—The City Surveyor will confirm ORS 92 compliance as part of the final plat mylar review.

SRC 205.025(d)(6)—The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.

Findings—The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are existing, and appear to be adequate to serve the proposed replat. Public streets abutting the subject property are available to provide adequate street access.

Bryce Bishop, Planner II July 27, 2022 Page 4

MEMO

There is an existing public sewer main within the unnamed alley directly adjacent to the subject property. The alley is approximately 16.5 feet in width. PWDS require a minimum 20-foot easement or 20-foot right-of-way to provide unobstructed access to a public sewer main. As shown on the applicant's tentative plan, the applicant shall dedicate 3.5 feet of right-of-way to the alley adjacent to the property.

The applicant shall ensure relocated property lines coincide with future driveway locations and do not create conflicts with existing utility poles, cable boxes, fire hydrants, etc. All existing and proposed easements shall be shown on the final plat.

Prepared by: Laurel Christian, Program Coordinator cc: File

Page Break

555 Liberty St SE Salem, OR 97301



Staff Report

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

Planning Administrator Decision - To consolidate four properties into one lot - Approved.

Tentative Replat Case No. REP22-07 - City of Salem Urban Development Department - 350 to 360 Front St NE and 240 to 270 Center St NE.

Ward(s): 1

Councilor(s): Stapleton Neighborhood(s): CANDO

RECOMMENDATION:

Information Only.

Bryce Bishop Planner III

Attachments:

1. Land Use Decision REP22-07

7/29/2022

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

DECISION OF THE PLANNING ADMINISTRATOR

TENTATIVE REPLAT CASE NO.: REP22-07

APPLICATION NO.: 22-111596-LD

NOTICE OF DECISION DATE: July 29, 2022

SUMMARY: An application to consolidate four existing properties into one lot in order to accommodate future redevelopment.

REQUEST: A replat to consolidate four existing properties (comprised of Lots 6-8 of Block 50 of the Salem plat) into one lot approximately 40,951 square feet in size. The subject property is zoned CB (Central Business District) and located at 350 to 360 Front Street NE & 240 to 270 Center Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03100, 03200, 03300, and 03400).

APPLICANT: Sheri Wahrgren – City of Salem Urban Development Department

LOCATION: 350 to 360 Front St NE and 240 to 270 Center St NE, Salem OR

97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.025(d) – Replat

FINDINGS: The findings are in the attached Decision dated July 29, 2022.

DECISION: The **Planning Administrator APPROVED** Tentative Replat Case No.

REP22-07 subject to the following conditions of approval:

Condition 1: Show all existing and proposed easements on the final plat.

The rights granted by the attached decision must be exercised, or an extension granted, by August 16, 2024, or this approval shall be null and void.

Application Deemed Complete:

Notice of Decision Mailing Date:

Decision Effective Date:

State Mandate Date:

July 13, 2022

July 29, 2022

August 16, 2022

November 10, 2022

Case Manager: Bryce Bishop, bbishop@cityofsalem.net, 503-540-2399

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. Monday, August 15, 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(s) 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

REP22-07 Notice of Decision July 29, 2022 Page 2

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

DECISION

IN THE MATTER OF THE APPROVAL OF)	FINDINGS AND ORDER
REPLAT NO. 22-07;)	
350 to 360 FRONT STREET NE AND)	
240 TO 270 CENTER STREET NE)	JULY 29, 2022

REQUEST

A replat to consolidate four existing properties (comprised of Lots 6-8 of Block 50 of the Salem plat) into one lot approximately 40,951 square feet in size. The subject property is zoned CB (Central Business District) and located at 350 to 360 Front Street NE & 240 to 270 Center Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03100, 03200, 03300, and 03400).

PROCEDURAL FINDINGS

- 1. On June 1, 2022, an application for a replat was filed by Otak, Inc. on behalf of the applicant, the City of Salem Urban Development Department, and property owner, the Urban Renewal Agency of the City of Salem, to consolidate four existing properties into one lot in order to accommodate future redevelopment.
- 2. After additional requested information was provided by the applicant, the application was deemed complete for processing on July 13, 2022, and notice was provided pursuant to Salem Revised Code (SRC) requirements. The state-mandated 120-day local decision deadline for the application is November 10, 2022.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed replat seeks to consolidate four existing properties (comprised of Lots 6-8 of Block 50 of the Salem plat) into one lot approximately 40,951 square feet in size in order to accommodate future redevelopment. The properties are located at 350 to 360 Front Street NE & 240 to 270 Center Street NE (Attachment A).

2. 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 tentative plan of the proposed replat submitted by the applicant showing the size and configuration of the proposed consolidated lots is included as **Attachment B**.

The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included as **Attachment C**.

3. 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 may use the search function without registering and enter the permit number listed here: 22 111596.

4. Salem Area Comprehensive Plan (SACP)

The subject property is designated Central Business District on the Salem Area Comprehensive Plan map.

The Comprehensive Plan designations of surrounding properties include:

Comprehensive Plan Designation of Surrounding Properties				
North	Across Center Street NE, Central Business District			
South	Central Business District			
East	Across alley, Central Business District			
West	Across Front Street NE, River-Oriented Mixed Use			

5. Zoning

The subject property is zoned CB (Central Business District). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties				
North	Across Center Street NE, CB (Central Business District)			
South	CB (Central Business District)			
East	Across alley, CB (Central Business District)			
West	Across Front Street NE, CB (Central Business District) within the Willamette Greenway Overlay Zone			

6. Existing Conditions

The subject property consists of four tax lots (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03100, 03200, 03300, and 03400) and totals approximately 0.93 acres in size.

The subject property has frontage on two streets, Front Street NE to the west and Chemeketa Street NE to the south; abuts an alley to the east; and abuts an alley north, which separates

REP22-07 Decision July 29, 2022 Page 3

the subject property from Center Street NE. Front Street is designated as a Parkway under the Salem Transportation System Plan (TSP) and Center Street is designated as a Major Arterial. Both Front Street and Center Street are under the jurisdiction of the Oregon Department of Transportation (ODOT). Chemeketa Street is designated as a Collector street under the TSP.

The subject property includes existing buildings and off-street parking/vehicle use areas located throughout the site. As identified on the replat tentative plan (Attachment B), all existing buildings, site features, and improvements will be removed in order to accommodate future redevelopment of the consolidated lot.

7. Public and Private Agency Review.

Notice of the proposal was provided to City Departments, public agencies, and to public & private service providers. The following comments were received:

- A. The City of Salem Building and Safety Division reviewed the proposal and identified no issues or objections.
- B. The City of Salem Public Works Department reviewed the proposal and provided comments pertaining to City infrastructure required to serve the proposed development. Comments from the Public Works Department are included as **Attachment D**.
- C. The Oregon Department of Transportation (ODOT) reviewed the proposal and provided comments that are included as **Attachment E**. ODOT indicates, in summary, that they have no objections to the proposed replat and that site access and highway frontage requirements will be addressed at the time of future redevelopment of the site.

8. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CAN-DO) Neighborhood Association.

<u>Neighborhood Association Contact</u>. 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), Replat applications do not require neighborhood association contact.

Neighborhood Association Comments

Notice of the application was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. No comments were received from the neighborhood association.

Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(ii), (iii), (vi), & (vii), to property owners and tenants within 250 feet of the subject property. Prior to the comment deadline, one comment was received from an area property owner indicating that they that they have reviewed the proposal and have no objections to it.

Homeowners' Association

SRC 300.520(b)(1)(B)(iv) requires notice to be provided to any active and duly incorporated Homeowners' Association (HOA) appliable to the property. The subject property is not located within a Homeowners' Association.

9. Replat Approval Criteria

Pursuant to SRC 205.025(a), a replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat.

SRC 205.025(d) establishes the approval criteria which must be met in order for a replat to be approved. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the replat, or for the issuance of certain conditions to ensure the criteria are met.

SRC 205.025(d)(1): The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Finding: The purpose of the proposed replat is to consolidate the four existing properties which make up the subject property (comprised of Lots 6-8 of Block 50 of the Salem plat) into one lot approximately 40,951 square feet in size in order to accommodate future redevelopment of the property.

The replat does not propose to vacate any of the public streets that abut the property or any recorded covenants or restrictions. The proposed replat meets this approval criterion.

SRC 205.025(d)(2): The tentative replat will not create non-conforming units of land or non-conforming development, or increase the degree of non-conformity in existing units of land or development.

Finding: The subject property is zoned CB (Central Business District). The minimum lot size and dimension requirements applicable to the subject property based on its zoning are included under SRC 524.010(a). A summary of the applicable minimum lot size and dimension requirements is provided in the following table:

CB Zone Lot Size & Dimension Standards			
Lot Area	None		
Lot Width	None		
Lot Depth	None		
Street Frontage	Min. 16 ft. (applicable to all uses except for Single Family)		

As shown on the replat tentative plan (**Attachment B**), the consolidated lot resulting from the proposed replat is approximately 40,951 square feet in size. The proposed consolidated lot exceeds the minimum lot area, dimension, and street frontage requirements of the CB zone and does not result in the creation of a non-conforming unit of land.

Setbacks and lot coverage requirements applicable to the subject property based on its zoning are included under SRC 524.010(c) and (d) (CB Zone setbacks and lot coverage standards). Within the CB zone there is a 0 ft. / maximum 10 ft. setback required for buildings abutting a street and there are no minimum building setbacks required abutting interior side or rear property lines (including property line abutting an alley). There is also no maximum lot coverage requirement for buildings and accessory structures in the zone.

As shown on the replat tentative plan (Attachment B), there are existing structures located on the subject property which are identified for removal to accommodate future redevelopment. The proposed replat will result in the consolidation of the four existing smaller properties which currently make up the site into one larger consolidated lot. As a result, the existing internal property lines which divide the property into its current four distinct properties will be eliminated. Because the CB zone does not establish minimum interior side and rear setback requirements and the exterior boundaries of the proposed consolidated lot are not changing, the existing structures on the property will not be made nonconforming as a result of the proposed replat and any nonconformity will not be increased. This approval criterion is met.

SRC 205.025(d)(3): The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.

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

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration prior to development of property located outside the City's Urban Service Area. Because the subject property is located within the City's Urban Service Area, and because the proposal is for a replat, an Urban Growth Preliminary Declaration is not required for the development pursuant to SRC 200.020.

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

<u>SRC Chapter 524 (Central Business District Zone)</u>: The subject property is zoned CB (Central Business District). The proposed replat seeks to consolidate the four existing properties which currently make up the subject property into one larger lot approximately 40,951 square feet in size.

The lot area and dimensions of the proposed replatted lot exceed the minimum lot size, dimension, and street frontage requirements of the CB zone, and the proposed lot is of a size and configuration that is suitable for future development in conformance with the applicable requirements of the CB zone. Future development of the lot will be reviewed for conformance with the applicable development standards of the zone at the time of site plan review and building permit approval for development of the property.

<u>City Infrastructure Standards:</u> The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to the provision of streets, water, sewer, and storm drainage facilities and determined that such facilities are available and appear to be adequate to serve future development of the lots in conformance with the requirements of SRC Chapter 802 (Public Improvements) and SRC Chapter 803 (Streets and Right-of-Way Improvements). A summary of existing improvements are as follows:

■ Water

- ❖ The subject property is located within the G-0 water service level.
- ❖ A 24-inch water main is located in Front Street NE.
- ❖ A 10-inch water main is located in Center Street NE.
- ❖ A 24-inch water main is located in Chemeketa Street NE.

Sewer

❖ An 8-inch sewer main is located in the unnamed alley abutting the subject property.

Storm Drainage

- ❖ An 8-inch stormwater main is located in Center Street NE.
- ❖ A 15-inch stormwater main is located in Chemeketa Street NE.
- ❖ A 12-inch stormwater main is located in Front Street NE.

■ <u>Streets</u>

❖ Front Street NE

Front Street is designated as a Parkway street in the Salem Transportation System Plan (TSP) and is under the jurisdiction of the Oregon Department of Transportation (ODOT). The standard for this classification of street is an 80-foot wide improvement within a 120-foot-wide right-of-way. The portion of Front Street abutting the subject

property has an existing approximate 150-foot-wide improvement within a 190-foot-wide right-of-way.

Chemeketa Street NE

Chemeketa Street is designated as a Collector street in the Salem TSP. The standard for this classification of street is a 40-foot-wide improvement within a 60-foot-wide right-of-way. The portion of Chemeketa Street abutting the subject property has an existing approximate 60-foot-wide improvement within a 100-foot-wide right-of-way.

Center Street NE

Center Street is designated as a Major Arterial street in the Salem TSP and is under the jurisdiction of ODOT. The standard for this classification of street is an 68-foot wide improvement within a 96-foot-wide right-of-way. The portion of Center Street abutting the subject property has an existing approximate 70-foot-wide improvement within a 100-foot-wide right-of-way.

<u>SRC Chapter 808 (Preservation of Trees and Vegetation):</u> The City's tree preservation ordinance (SRC Chapter 808) protects:

- 1) Heritage Trees;
- 2) Significant Trees (including Oregon White Oaks with diameter-at-breast-height (dbh) of 20 inches or greater and any other tree with a dbh of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
- 3) Trees and native vegetation in riparian corridors; and
- 4) Trees on lots or parcels 20,000 square feet or greater.

In addition, tree conservation plans are required in conjunction with any development proposal involving the creation of lots or parcels to be used for the construction of single family dwelling units or middle housing, if the development proposal will result in the removal of trees.

Because the proposed replat does not involve the creation of a lot to be used for the construction of a single family dwelling unit or middle housing, a tree conservation plan is not required in conjunction with the proposed replat. However, any removal of trees from the property to accommodate the future development of the site must still comply with the requirements of the City's tree preservation ordinance (SRC Chapter 808).

<u>SRC Chapter 809 (Wetlands):</u> Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetlands Inventory (LWI), the subject property does not contain any mapped wetlands or waterways. The subject property also does not contain any hydric or wetlands-type soils. As such, no impacts to wetlands or required mitigation measures are required in conjunction with the replat and future development of the subject property.

REP22-07 Decision July 29, 2022 Page 8

SRC Chapter 810 (Landslide Hazards): The topography of the subject property is flat. According to the City's adopted landslide hazard susceptibility maps, the subject property does not contain any areas of mapped landslide hazard susceptibility points. Pursuant to the City's landslide hazard ordinance (SRC Chapter 810), a geologic assessment is therefore not required in conjunction with the future development of the subject property.

As identified above, the proposed replat complies with the standards of SRC Chapter 205 and with all applicable provisions of the UDC. This approval criterion is met.

SRC 205.025(d)(4): The tentative replat complies with all applicable provisions of ORS Chapter 92.

ORS 92.185 establishes standards for replatting, including standards for reconfiguration of lots or parcels and public easements, vacation, notice, and utility easements. The proposed replat meets all applicable provisions of ORS 92.185 as detailed below:

ORS 92.185(1): A replat, as defined in ORS 92.010, shall only apply to a recorded plat.

Finding: The land subject to the proposed replat consists of properties comprised of Lots 6-8 of Block 50 of the Salem plat. The proposal complies with this requirement.

ORS 92.185(2): Notice shall be provided as described in ORS 92.225(4) when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.

Finding: Streets and infrastructure have been constructed to serve the platted subdivision lots subject to the proposed replat. The existing subdivision is therefore defined as a "developed" subdivision pursuant to ORS 92.225 and this requirement is not applicable to the proposal.

<u>ORS 92.185(3):</u> Notice, consistent with the governing body of a city or county approval of a tentative plan of a subdivision plat, shall be provided by the governing body to the owners of property contiquous to the proposed replat.

Finding: As described in the procedural findings included in this decision, notice was provided to owners of property, including any contiguous property, located within 250 feet of the subject property. The public notice provided for replats is the same type of notice provided for subdivisions and other Type II land use applications under SRC 300.520. The proposal therefore satisfies this requirement.

ORS 92.185(4): When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of the property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the governing body within 14 days of the mailing or other service of the notice.

Finding: In addition to providing notice to owners of property located within 250 feet of the subject property, notice of the proposed replat was also provided to public and private utility

REP22-07 Decision July 29, 2022 Page 9

providers serving the subject property. The replat does not propose to realign, reduce in width, or omit any utility easements. The proposal therefore satisfies this requirement.

ORS 92.185(5): A replat shall not serve to vacate any public street or road.

Finding: The proposed replat does not vacate any public street or road. The public streets abutting the property will remain in place. The proposal therefore satisfies this requirement.

ORS 92.185(6): A replat shall comply with all subdivision provisions of this chapter and all applicable ordinances and regulations adopted under this chapter.

Finding: Staff has reviewed the proposed replat for compliance with the applicable provisions of the ORS Chapter 92 and the Salem Revised Code. As described in the findings in this decision regarding conformance with the approval criteria under SRC 205.025(d), the proposed replat complies with all applicable subdivision standards, including lot size and dimensions, access and circulation, and availability of public and private utility infrastructure. The proposal therefore satisfies this requirement. The proposal complies with the requirements of ORS Chapter 92.

SRC 205.025(d)(5): The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.

Finding: There are no past land use decisions, or conditions of approval associated with any past land use decisions, affecting the subject property that prohibit the proposed replat. This approval criterion is met.

SRC 205.025(d)(6): The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.

Finding: The Public Works Department reviewed the proposal and indicated in summary, as specified in **Attachment D**, that water, sewer, and storm drainage facilities are available and appear to be adequate to serve the subject property in conformance with the requirements of SRC Chapter 802 (Public Improvements), and public streets abutting the subject property are available to provide adequate street access to the property in conformance with SRC Chapter 803 and the Salem Transportation System Plan (TSP).

In order to ensure applicable rights of access are maintained to existing and proposed utilities on the property following the replat and consolidation of the existing lots, the following condition of approval shall apply:

Condition 1: Show all existing and proposed easements on the final plat.

The proposed replat, as conditioned, meets this criterion.

CONCLUSION

Based upon review of SRC 205.025(d), the findings contained under section 9 above, the comments described, and subject to the condition of approval adopted herein, the tentative replat complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

The request to consolidate four existing properties (comprised of Lots 6-8 of Block 50 of the Salem plat) into one lot approximately 40,951 square feet in size, for property zoned CB (Central Business District) and located at 350 to 360 Front Street NE & 240 to 270 Center Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03100, 03200, 03300, and 03400), is hereby **APPROVED** subject to SRC Chapters 205 and 524, and the following condition prior to final plat approval, unless otherwise indicated:

Condition 1: Show all existing and proposed easements on the final plat.

Bryce Bishop, Planner III, on behalf of Lisa Anderson-Ogilvie, AICP Planning Administrator

Attachments: A. Vicinity Map

B. Replat Tentative Plan

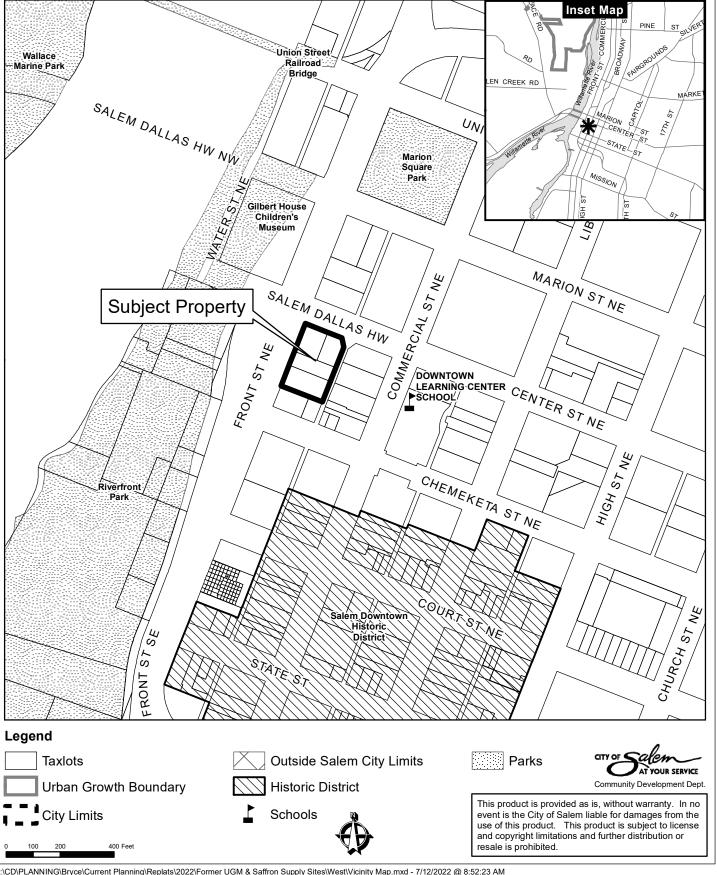
C. Applicant's Written Statement

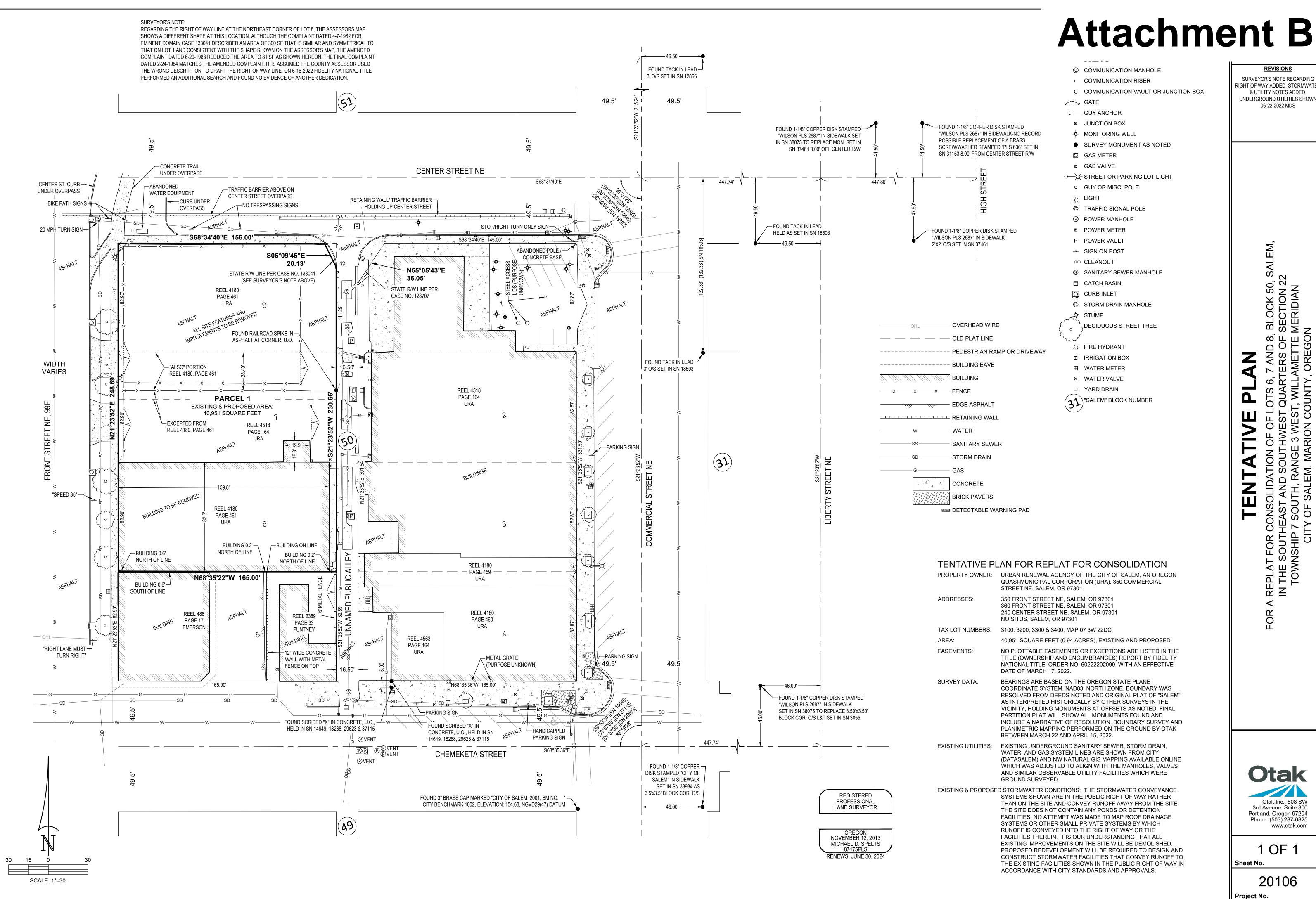
D. City of Salem Public Works Department Comments

E. Oregon Department of Transportation Comments

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\REPLAT\2022\Planner Docs\REP22-07.bjb.docx

Vicinity Map 350 to 360 Front Street NE & 240 to 270 Center Street NE





SURVEYOR'S NOTE REGARDING RIGHT OF WAY ADDED, STORMWATE & UTILITY NOTES ADDED, UNDERGROUND UTILITIES SHOWN 06-22-2022 MDS

Otak Inc., 808 SW 3rd Avenue, Suite 800 Portland, Oregon 97204 Phone: (503) 287-6825 www.otak.com

1 OF 1

Sheet No.

20106



Commercial Street NE Replat Application WestCity of Salem, Oregon

Prepared for: City of Salem, Oregon 555 Liberty Street SE Salem, OR 97301

June 06, 2022

Prepared By: Otak, Inc. 808 SW Third Ave, Suite 800 Portland, OR 97204

Project No. 20106D.000

Requests

Replat approval is requested for Tax Lot No. 073W22DC 3100, 3200, 3300, and 3400

Site Information

Subject Property: Tax Lot No. 073W22DC 3100, 3200, 3300, and 3400

Site Area: 40,763 sq. ft./0.94 acres. (Combined)

Comprehensive Plan

Designation:

Central Business District

Zoning Designation: CB (Central Business District)

Overlay Zone: None

Applicant/Property Owner

Applicant: City of Salem Public Works

350 Commercial St. NE Salem, OR 97301

Contact: Sherri Wahrgren

503.588.3211

swahrgren@cityofsalem.net

Owner: City of Salem, Oregon

555 Liberty Street SE Salem, OR 97301

Project Development Team

Applicant's Representative Otak, Inc.

808 SW Third Avenue, Suite 800

Portland, OR 97204

Land Use Planner: Contact: Steven McAtee, Planner

503.415.2376

steven.mcatee@otak.com

Surveyor: Contact: Mike Spelts, PLS

503.415.2321

L:\Project\20100\20106D\03 Communications\Outgoing\2022-06-01 Replat West (LU#22-111596)\54-Replat West Written Narrative.docx

mike.spelts@otak.com

TABLE OF CONTENTS

	Pa	age
1.	Requests	1
2.	Project Description	1
3.	Salem Revised Code: 205.025 - Replat	1

Appendices

Appendix A Pre-Application Summary Report Appendix B Title Reports

Appendix C Property Deeds

Plan Set

Exhibit 1 Tentative Plan

Requests 1.

Replat approval is requested consolidate four properties into one property. This application is the first of two associated with this site.

2. **Project Description**

The City of Salem Public Works Department submits this application to consolidate existing property boundaries into one property. The subject properties are identified by Tax Lot Nos. 073W22DC 3100, 3200, 3300, and 3400. They are located abutting Front Street NE in downtown Salem, in the block bound by Front St NE, Chemeketa St NE, Center St NE, and Commercial Street NE. The subject properties are located on the west side of the alley and are zoned CB and are within the General Retail/Office and Front Street Overlay zones.

As documented in the Pre-App Planning Summary (Appendix A) the properties were found by City of Salem staff to be lawfully created units of land, and were platted as Lots 6, 7, and 8 of Block 50 of the Salem plat.

A separate Replat application will be submitted to consolidate all properties on the east side of the alley into two properties.

Figure 1. illustrates the existing tax lot boundaries of the subject properties and Figure 2 shows the proposed consolidation into one lot for future development.



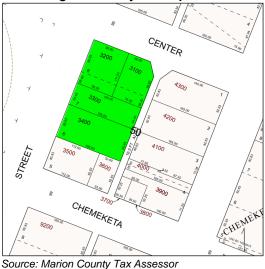
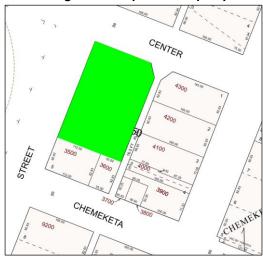


Figure 2. Proposed Property



Salem Revised Code: 205.025 – Replat.

a. Applicability. A replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat. No replat shall occur without receiving tentative replat approval as set forth in this section.

b. Procedure type. A tentative replat is processed as a Type II procedure under SRC chapter 300.

Response: This proposal involves consolidating four lawfully created units of land into one unit of land. Because the properties were found by Planning Staff to be platted lots, a Replat is an applicable procedure for this proposal.

c. Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative replat shall include the information required in SRC 205.030. If the replat will vacate any easement, the tentative replat plan shall show the easement proposed to be vacated.

Response: As addressed immediately below, all submittals required for a Replat application have been provided with this application.

Sec. 205.030. Additional submittal requirements.

a. A tentative plan map, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information: [...]

Response: A tentative plan meeting the above requirements has been submitted with this application as Exhibit 1.

b. A current title report for the property;

Response: A current title report has been submitted with this application as Appendix B. Property deeds have been included as Appendix C.

c. A completed tree inventory on a form as provided by the Director accurately identifying all existing trees on the property as of the date of application submittal and, if required under SRC chapter 808, a tree conservation plan;

Response: The proposed replat is not intended to create parcels to be used for single-family, two-family, three-family, four-family uses, or cottage clusters. A tree plan is not required or provided, because a tree conservation plan is not required for this Replat application.

d. A geological assessment or geo-technical report, if required by SRC chapter 810;

Response: There is no proposed development of the properties at this time. A geologic assessment or geo-tech report will be submitted for review upon future development of the subject site.

e. A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;

Response: Utilities are provided on the site plan/tentative plan. Because there is no development proposed under this review, there is no proposed stormwater management system. Future development, reviewed under separate applications for development, will include applicable stormwater information.

f. A schematic plan showing the location of existing and proposed city infrastructure;

Response: The tentative plan included with this application includes existing City infrastructure.

g. A preliminary grading plan, for partitions, subdivisions, and phased subdivisions, when grading of the subject property will be necessary to accommodate the proposed development;

Response: The application is not for a partition, subdivision, or phased subdivision. There is no proposed development of the properties at this time. A grading plan will be submitted for review upon future development of the subject site.

h. For residentially zoned property, where the partition or subdivision will result in a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the location of lot or parcel lines and other details of layout and demonstrating that future further division of the lot or parcel may readily be made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.

Response: The subject site is zoned CB. This requirement is not applicable.

i. For partitions of property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, a plan showing: [...]

Response: The proposed application is a replat, not a partition. The subject site is located in Downtown Salem and within 300 ft. of an available sewer main. This requirement is not applicable.

j. For subdivisions and phased subdivisions: [...]

Response: This is an application for a replat. This requirement is not applicable.

- d. Criteria. A tentative replat shall be approved if all of the following criteria are met:
 - (1) The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Response: This replat application does not propose to vacate any public street, road, covenants or restrictions. This standard is met.

(2) The tentative replat will not create nonconforming units of land or non-conforming development, or increase the degree of nonconformity in existing units of land or development.

Response: This replat application will not result in the lots that are non-conforming, and it will not further nonconformance of existing lots. The proposed resultant lot will meet all applicable standards of the CB zone. This standard is met.

(3) The tentative replat complies with the standards of this chapter and with all applicable provisions of the UDC.

Response: This proposed replat complies with the standards of this chapter and all provisions of the Salem Unified Development Code. There are no minimum or maximum lot dimension requirements in the CB zone.

(4) The tentative replat complies with all applicable provisions of ORS Ch. 92.

Response: The proposed Replat application complies with applicable sections of ORS Ch. 92.

(5) The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.

Response: There are no known approvals or conditions of approval that affect any units of land associated with this replat application. This standard is met.

(6) The tentative replat does not adversely affect the availability of, or access to, city infrastructure or public or private utilities or streets.

Response: The proposed Replat application is being requested by the City of Salem. It does not adversely affect availability or access to city infrastructure.

e. Notice to utilities. When a utility easement is proposed to be realigned, reduced in width, or eliminated by a replat, notice of the tentative replat application shall be mailed as provided in SRC_300.520(b)(1) to all affected utility companies or public agencies. Any utility company that desires to maintain an easement that would be realigned, reduced in width, or eliminated by a proposed replat must notify the Director in writing within 14 days of the mailing date of the notice. If an objection to the realignment, reduction in width, or elimination of an easement is received within the 14-day period, the utility easement shall not be realigned, reduced in width, or eliminated.

Response: There are no proposed utility easement relocations.

f. Expiration. Tentative replat approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

Response: Table 300-3 indicates Replat applications shall expire two years from the decision effective date, with the ability to request up to four extensions, for a maximum of two additional years. The applicant acknowledges these timelines.



MEMO

TO: Bryce Bishop, Planner III

Community Development Department

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

Public Works Department

DATE: July 26, 2022

SUBJECT: PUBLIC WORKS RECOMMENDATIONS

REP22-06 (22-111569) 270 CENTER STREET NE REPLAT OF FOUR LOTS

PROPOSAL

A replat to consolidate four existing properties (comprised of Lots 6-8 of Block 50 of the Salem plat) into one lot approximately 40,951 square feet in size. The subject property is zoned CB (Central Business District) and located at 350 to 360 Front Street NE and 240 to 270 Center Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22DC03100, 03200, 03300, and 03400).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Show all existing and proposed easements on the final plat.

FACTS

Streets

1. Front Street NE

- a. <u>Standard</u> This street is designated as a parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
- b. <u>Existing Conditions</u> This street has an approximate 150-foot improvement within a 190-foot-wide right-of-way abutting the subject property.

2. Chemeketa Street NE

- a. <u>Standard</u> This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 40-foot-wide improvement within a 60-foot-wide right-of-way.
- b. <u>Existing Conditions</u> This street has an approximate 60-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

3. Salem Dallas Highway

- a. <u>Standard</u> This street is designated as a major arterial street in the Salem TSP and is under jurisdiction of the Oregon Department of Transportation (ODOT). The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. <u>Existing Conditions</u> This street has an approximate 70-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

4. Unnamed Alley

- a. <u>Standard</u>—This right-of-way is designated as an alley in the Salem TSP. The standard for this classification is a 10-to-20-foot-wide right-of-way.
- b. <u>Existing Conditions</u>—This right-of-way has an approximate 16-foot improvement within a 16.5-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. An 8-inch stormwater main is located in Salem Dallas Highway.
- b. A 15-inch stormwater main is located in Chemeketa Street NE.
- c. A 12-inch stormwater main is located in Front Street NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 24-inch water main is located in Front Street NE.

- c. A 10-inch water main is located in Salem Dallas Highway.
- d. A 24-inch water main is located in Chemeketa Street NE.

Sanitary Sewer

- 1. Existing Sewer
 - a. An 8-inch sewer main is located in the unnamed alley abutting the subject property.

CRITERIA AND FINDINGS

SRC 205.025(d) indicates 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 205.025(d)(1)—The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

Findings—The applicant's proposal does not vacate any public rights-of-way.

SRC 205.025(d)(3)—The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.

Findings—The applicant shall provide the required field survey and subdivision replat as per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and the SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and pursuant to SRC 205.035, the approval of the subdivision replat plat by the City Surveyor may be delayed or denied based on the non-compliant violation.

SRC 205.025(d)(4)—The tentative replat complies with all applicable provisions of ORS Chapter 92.

Findings—The City Surveyor will confirm ORS 92 compliance as part of the final plat mylar review.

SRC 205.025(d)(6)—The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.

Findings—The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are existing, and appear to be adequate to serve the proposed replat. Public streets abutting the subject property are available to provide adequate street access. The applicant shall ensure relocated

Bryce Bishop, Planner II July 26, 2022 Page 4



property lines coincide with future driveway locations and do not create conflicts with existing utility poles, cable boxes, fire hydrants, etc.

All existing and proposed easements shall be shown on the final plat.

Prepared by: Laurel Christian, Program Coordinator

cc: File

Attachment E

Bryce Bishop

From: KNECHT Casey < Casey.KNECHT@odot.oregon.gov>

Sent: Friday, July 15, 2022 2:57 PM

To: Bryce Bishop

Subject: ODOT Comments for City of Salem Case REP22-07 - Wahrgren

Bryce,

ODOT has no objections to the replat at 350-360 Front Street NE in Salem. When a development is proposed for the site, we will address site access and highway frontage.

Thanks,

Casey Knecht, P.E.

Development Review Coordinator | ODOT Region 2

503-986-5170 | casey.knecht@odot.oregon.gov

Page Break

CITY OF SALEM



Staff Report

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

Planning Administrator Decision - Proposed development of a Vietnam War Memorial. - Approved.

Class 3 Site Plan Review / Class 2 Adjustment / Tree Regulation Variance Case No. SPR-ADJ-TRV22-36 - State of Oregon Parks and Rec Dept. - 900 Court St NE.

Ward(s): 1

Councilor(s): Stapleton Neighborhood(s): CANDO

RECOMMENDATION:

Information Only.

Olivia Dias Current Planning Manager

Attachments:

1. Land Use Decision SPR-ADJ-TRV22-36

08-02-2022

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

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / TREE REGULATION VARIANCE CASE NO.: SPR-ADJ-TRV22-36

APPLICATION NO.: 22-110042-RP / 22-110045-ZO / 22-113625-PLN

NOTICE OF DECISION DATE: August 2, 2022

SUMMARY: Proposed development of a Vietnam War Memorial.

REQUEST: A Class 3 Site Plan Review for site improvements including walkways, memorial statues and viewing areas, and a Tree Variance to conduct ground distributing construction within 30-percent of the critical root zone of three significant trees. The applicant proposes to preserve all three trees and conduct all construction activities in accordance with an arborist report and Oregon Parks and Recreation Department. The proposal includes one Class 2 Adjustment to eliminate the opacity requirement for a proposed wall (part of memorial).

For development site approximately eleven acres in size, zoned PM (Capital Mall) and PA (Public Amusement) and located at 900 Court Street NE 97301 (Marion County Assessors Map and Tax Lot number: 073W27AA / 200 & 300 and 073W26BB / 4900).

APPLICANT: Chris Havel, Oregon Parks and Recreation Department

LOCATION: 900 Court St NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustments; 808.045(d) – Tree Variances

FINDINGS: The findings are in the attached Decision dated August 2, 2022.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review, Class 2 Adjustment, and Tree Regulation Variance Case No. SPR-ADJ-TRV22-36 subject to the following conditions of approval:

Condition 1: The applicant shall plant six trees, at least 1.5-inch caliper in size,

within the 20-foot setback. Two trees shall be abutting State Street

and Four abutting Cottage Street NE.

Condition 2: The impacted 31-inch Wester Red Cedar, 45-inch Blue Atlas Cedar

and 40-inch Douglas Fir tree shall be preserved and are not

authorized for removal.

Condition 3: The applicant shall follow all Arborist recommendation and

construction methods within the Critical Root Zone of each identified

tree, as described in Attachment C.

SPR-ADJ-TRV22-36 Notice of Decision August 2, 2022 Page 2

The rights granted by the attached decision must be exercised, or an extension granted, by <u>August 18, 2026</u>, or this approval shall be null and void.

Application Deemed Complete:

Notice of Decision Mailing Date:

Decision Effective Date:

State Mandate Date:

July 15, 2022

August 2, 2022

August 18, 2022

November 12, 2022

Case Manager: Olivia Dias, Current Planning Manager, odias@cityofsalem.net, 503-540-2343

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, August 17, 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(s) 220, 250, and 808. 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 Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer 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

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW,)
CLASS 2 ADJUSTMENT,)
AND TREE VARAINCE)
CASE NO. SPR-ADJ-TRV22-36)
900 COURT STREET NE - 97301) AUGUST 2, 2022

In the matter of the application for Class 3 Site Plan Review, Class 2 Adjustment, and Tree Variance applications submitted by the Oregon Parks and Recreation Department represented by Abbate Designs LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: Proposed development of a Vietnam War Memorial.

Request: A Class 3 Site Plan Review for site improvements including walkways, memorial statues and viewing areas, and a Tree Variance to conduct ground distributing construction within 30-percent of the critical root zone of three significant trees. The applicant proposes to preserve all three trees and conduct all construction activities in accordance with an arborist report and Oregon Parks and Recreation Department. The proposal includes one Class 2 Adjustment to eliminate the opacity requirement for a proposed wall (part of memorial).

For development site approximately eleven acres in size, zoned PM (Capital Mall) and PA (Public Amusement) and located at 900 Court Street NE – 97301 (Marion County Assessors Map and Tax Lot number: 073W27AA / 200 & 300 and 073W26BB / 4900).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

PROCEDURAL FINDINGS

1. Proposal

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC 220.005(b)(3) requires Class 3 Site Plan Review for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

Class 3 Site Plan Review is required for this application pursuant to SRC 220.005(b)(3)(C) because a Class 2 Adjustment has been requested, and a Class 2

Driveway Approach Permit is required for the proposed driveway approach onto Truax Drive SE.

2. Background

On May 16, 2022, a consolidated application for Class 3 Site Plan Review, and Class 2 Adjustment was filed for the proposed development. After additional information was provided, including submission of a Tree Variance, the applications were deemed complete for processing on July 15, 2022. The 120-day state mandated decision deadline for this consolidated application is November 12, 2022.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria is included as **Attachment C**.

SUBSTANTIVE FINDINGS

3. 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 may use the search function without registering and enter the permit number listed here: 22.110042.

4. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CANDO).

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 July 15, 2022, the applicant contacted CANDO informing them of the proposed project.

<u>Neighborhood Association Comment:</u> Notice of the application was provided to CANDO 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. No public comment was received during the comment period.

5. City Department Comments

<u>Public Works Department</u> - Reviewed the proposal and provided a memo which is included as **Attachment D**.

Building and Safety Division - Reviewed the proposal and indicated no site concerns.

Fire Department - Reviewed the proposal and indicated no site concerns.

6. Public Agency Comments

No Public Agency comments were received during the comment period.

DECISION CRITERIA FINDNGS

7. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC.

Finding: The proposal includes construction of a Vietnam Memorial. One adjustment is requested to the opacity standard for a wall and a tree removal variance to conduct ground disturbing activities within 30-percent of the critical root zone three Significant trees.

Use and Development Standards – PM (Capitol Mall) Zone:

SRC 545.005(a) - Uses:

Finding: The proposal includes development of a Vietnam War Memorial associated with the State Capitol Building. Governmental Services uses are permitted in the PM zone per Table 545-1.

SRC 545.010(a) – Lot Standards:

The minimum lot area for uses other than single family and two-four family is 10,000 square feet in size with a 50-foot minimum width, 80-foot minimum depth and 16-feet of street frontage.

Finding: The subject property is currently 11.18 acres in size and has more than 1,000 feet of frontage on Court Street NE and State Street NE. In addition, the property has more than 300 feet of frontage along Cottage Street NE and Waverly Street NE. The subject property is in compliance with the minimum lot standards of the PM zone.

SRC 545.010(b) – Density Standards:

There is no minimum density in the PM zone and a maximum density for two-four family uses of 28 dwelling units per acre.

Finding: The proposal does not include any dwelling unit; therefore, the standard is not applicable.

SRC 545.010(c) - Setbacks:

North: Adjacent to the north is right-of-way for Court Street NE. Buildings and accessory structures abutting a street require a setback of 20 feet. Vehicle use areas require a minimum 6-10 foot setback per Chapter 806 adjacent to a street. Fences and walls within ten feet of a property line abutting a street shall not exceed eight feet in height and any portion of a wall above 30 inches in height shall be less than 25 percent opaque.

South: Adjacent to the south is right-of-way for State Street NE. Buildings and accessory structures abutting a street require a setback of 20 feet. Vehicle use areas require a minimum 6-10 foot setback per Chapter 806 adjacent to a street. Fences and walls within ten feet of a property line abutting a street shall not exceed eight feet in height and any portion of a wall above 30 inches in height shall be less than 25 percent opaque.

East: Adjacent to the east is right-of-way for Waverly Street NE. Buildings and accessory structures abutting a street require a setback of 20 feet. Vehicle use areas require a minimum 6-10 foot setback per Chapter 806 adjacent to a street. Fences and walls within ten feet of a property line abutting a street shall not exceed eight feet in height and any portion of a wall above 30 inches in height shall be less than 25 percent opaque.

West: Adjacent to the west is right-of-way for Cottage Street NE. Buildings and accessory structures abutting a street require a setback of 20 feet. Vehicle use areas require a minimum 6-10 foot setback per Chapter 806 adjacent to a street. Fences and walls within ten feet of a property line abutting a street shall not exceed eight feet in height and any portion of a wall above 30 inches in height shall be less than 25 percent opaque.

Finding: The proposal does not include a building or vehicle use area. Setbacks are not applicable. The proposal includes a wall within a ten-foot setback of the abutting street, which is addressed below.

SRC 545.010(d) – Lot Coverage, Height:

There is a 60-percent maximum lot coverage requirement and a maximum height of 70-feet for uses other than single family and two – four family uses.

Finding: The proposal is less than 60-percent lot coverage and does not include a building. The wall height is addressed below.

SRC 545.010(e) - Landscaping:

- (A) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (B) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

Finding: Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit application review.

SRC 545.010(f) – Outdoor Storage:

Outdoor stage shall be screed form streets and adjacent properties.

Finding: The proposal does not include any outdoor storage; therefore the standard does not apply.

General Development Standards SRC 800

SRC 800.050(a) – Fences, Walls, Hedges, Gates and Retaining Walls.
Fences in nonresidential zones shall not exceed a maximum height of twelve feet, however abutting a street, fences and walls shall not exceed a maximum height of eight feet when located within 10 feet of the abutting street. Any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

Finding: The proposed wall (Vietnam Memorial) is less than eight feet in height, but is solid in nature. The applicant has requested a Class 2 Adjustment to eliminate the standard that the wall is 25 percent opaque. The Class 2 Adjustment is addressed below.

SRC 800.055(a) – Solid Waste Service Areas Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

Finding: The proposal does not include an exterior solid waste service area enclosure; all trash and recycling activities occur within a designated room of the building. Receptacles will be maneuvered manually outdoors into position for servicing and afterwards will be brought back indoors. Therefore, the standards of SRC 800.055 are not applicable to this proposal.

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

Finding: The pedestrian access standards of SRC Chapter 800 apply to the proposed development.

SRC 800.065(a)(1) – Pedestrian Connection Between Entrances and Streets.

(A) A pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

Finding: Direct pedestrian access is provided from the primary entrances of each building to all abutting streets.

(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.

Finding: The exiting bus stops are located on the opposite side of the streets and not abutting the subject property.

SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on the same Development Site.

Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all the buildings.

Finding: There is one building on the site, therefore this standard is not applicable.

SRC 800.065(a)(3) – Pedestrian Connection Through Off-Street Parking Areas.
(A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.

Finding: The proposal does not include any off-street parking area and there isn't one on site.

(B) Parking structures and parking garages. Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

Finding: The development site does not include any existing or proposed parking structures or garages; therefore, this standard is not applicable.

SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails. Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

- (A) Be constructed, and a public access easement or dedication provided; or
- (B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

Finding: There is not a planned pedestrian path or trail in the proximity of the subject property.

SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties.

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided.

Finding: The development site does not share a connection with adjoining properties, consistent with the requirements of this section.

SRC 800.065(b)(1) – Design and Materials.

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Walkways shall conform to the following:

- (A) Materials and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and a minimum of five feet in width.
- (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
- (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

SRC 800.065(b)(2) – Design and Materials.

Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

Finding: Proposed pedestrian connections are five feet in width and a hard surface, meeting the standard.

SRC 800.065(c) – Lighting.

The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

Finding: Exterior light fixtures are proposed along the building frontage that will illuminate the pedestrian walkways in compliance with this section.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005(a) - Off-Street Parking; When Required.
Off-street parking shall be provided and maintained as required under SRC Chapter 806 for each proposed new use or activity.

Finding: The proposal does not include development of a new off-street parking area or building; therefore, these standards are not applicable.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Finding: Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review. The applicant is removing three, non-significant, trees from the setback. The applicant has proposed to replace the trees pursuant to SRC 807 at a two to one ratio. The following conditions applies:

Condition 1: The applicant shall plant six trees, at least 1.5-inch caliper in size, within the 20-foot setback. Two trees shall be abutting State Street and Four abutting Cottage Street NE.

Natural Resources

SRC 601 – Floodplain: Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 20 inches in diameter at breast height or any other tree greater than 30 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted

under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

Finding: There are several protected trees identified on the subject property. The applicant has requested a Tree Variance to locate sections of the memorial within 30% of the critical root zone of three significant trees. The findings addressing the location to the memorial are addressed below.

SRC 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 wetland 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.

Finding: According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

SRC 220.005(f)(3)(B): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: Cottage Street NE meets the right-of-way width and improvement standards for their street classification per the Salem TSP; therefore, no right-of-way dedication is required as a condition of the proposed development.

Court Street NE and State Street NE do not meet current standards for their classification per the Salem TSP. The proposal includes the installation of a Vietnam Memorial, which is not a building addition subject to 803.040(a); therefore, no right-of-way dedication or street improvements are required.

SRC 220.005(f)(3)(C): Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: The proposal requires no new driveways; this criterion is met.

SRC 220.005(f)(3)(D): The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

8. Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:

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

Finding: The applicant is requesting one Class 2 Adjustment to:

Eliminate the opacity requirement for a proposed wall (part of memorial)

The applicant indicates that the majority of the memorial is set back from the property line and those small sections needing the adjustment are 30-inches in height. This provides for adequate vision clearance and a pleasant pedestrian environment. The intent of the standard is to ensure an adequate pedestrian experience and vehicle safety and to not have solid walls along sidewalks or property lines. The purpose of the memorial is to engage pedestrians walking along the sidewalk and within the Capitol Mall area. The location is similar to the WWII Memorial at the corner of Cottage Street and Court Street, which has been engaging to pedestrians. Since the purpose of the wall is to engage pedestrians, the wall does not block vision clearance at the corner and is similar to the existing memorial the proposal equally meets the development standard.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is located within an PM (Capitol Mall) zone; therefore, the criterion is not applicable.

SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: One Class 2 Adjustment has been requested; therefore, this criterion is met.

9. Analysis of Tree Removal Variance Approval Criteria

Salem Revised Code (SRC) 808.045(d) sets forth the following criteria that must be met before approval can be granted to a request for a Tree Regulation Variance. In this case, the applicant has requested to address the hardship criteria in SRC 808.045(d)(1).

SRC 808.045(d)(1)(a): There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance.

Finding: The applicant's project arborist, Bartlett Tree Experts, reviewed the trees and root conditions of these trees and provided recommendations in an arborist's memo and outlined below. The project arborist will provide prescriptive measures for working around the significant roots which will be included on the final Permit Drawings.

Tree #1109 (40" Douglas Fir): This tree is primarily surrounded by softscape with some pathways in the outer half of the root zone. The pathways will be elevated above the roots with drain rock between the roots and pavement to allow good air and moisture exchange. Prescriptive measures for working around the significant roots shall be included on the final Permit Drawing.

Tree # 10642 (45" Blue Atlas Cedar): Per the arborist's recommendations, the design shall incorporate permeable pavers at an elevation above the roots in order to provide drain rock between the roots and base rock of the permeable pavers. This system will allow good air and moisture exchange. Prescriptive measures for working around the significant roots shall be included on the final Permit Drawing.

Tree # 11091 (31" Western Red Cedar): The design proposes using elevated decking to minimize impact to the root zone. Per the arborist's findings and recommendations, footings will be placed to avoid impacts to significant roots and steel joists will be used to frame the decking with footings located to avoid impacts to the significant roots.

The request is not to remove these three trees, but to impact more than 30% of the critical root zone. The applicant proposed to preserve them using construction methods to avoid impacts to the trees. Not impacting more than 30% of the critical root zoned of the trees creates an unreasonable hardship that can most effectively be relieved by approval of the variance. The following conditions apply:

Condition 2: The impacted 31-inch Wester Red Cedar, 45-inch Blue Atlas Cedar and 40-inch Douglas Fir tree shall be preserved and are not authorized

for removal.

Condition 3: The applicant shall follow all Arborist recommendation and

construction methods within the Critical Root Zone of each identified

tree, as described in **Attachment C**.

SRC 808.045(d)(1)(b): The proposed variance is the minimum necessary to allow the otherwise lawful proposed development of activity.

Finding: No other options exist to install the memorial on the property. Therefore, the applicant's proposal to impact 30 percent of the critical root zone of three significant trees is the minimum needed to allow for the lawful development of the abutting properties.

10. Conclusion

Based upon review of SRC Chapters 220, 250, and 808, 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

IT IS HEREBY ORDERED

Final approval of Class 3 Site Plan Review, Class 2 Adjustment, Tree Variance Case No. SPR-ADJ-TRV22-36 is hereby **APPROVED** subject to SRC Chapters 220, 250, and 808, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

Condition 1: The applicant shall plant six trees, at least 1.5-inch caliper in size,

within the 20-foot setback. Two trees shall be abutting State Street

and Four abutting Cottage Street NE.

Condition 2: The impacted 31-inch Wester Red Cedar, 45-inch Blue Atlas Cedar

and 40-inch Douglas Fir tree shall be preserved and are not

authorized for removal.

Condition 3: The applicant shall follow all Arborist recommendation and

construction methods within the Critical Root Zone of each

identified tree, as described in Attachment C.

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

AICP, Planning Administrator

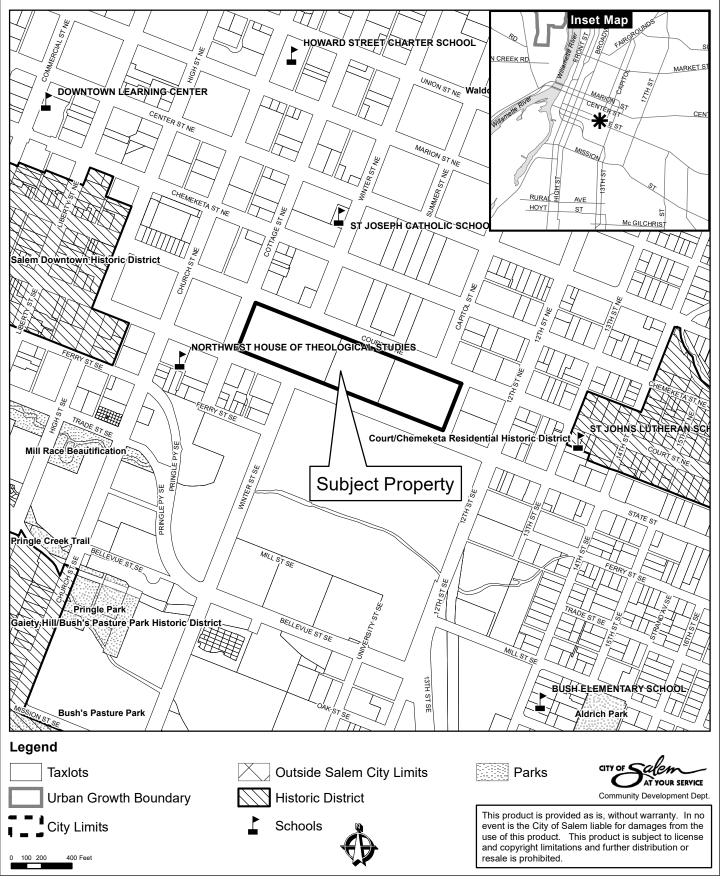
Attachments: A. Vicinity Map

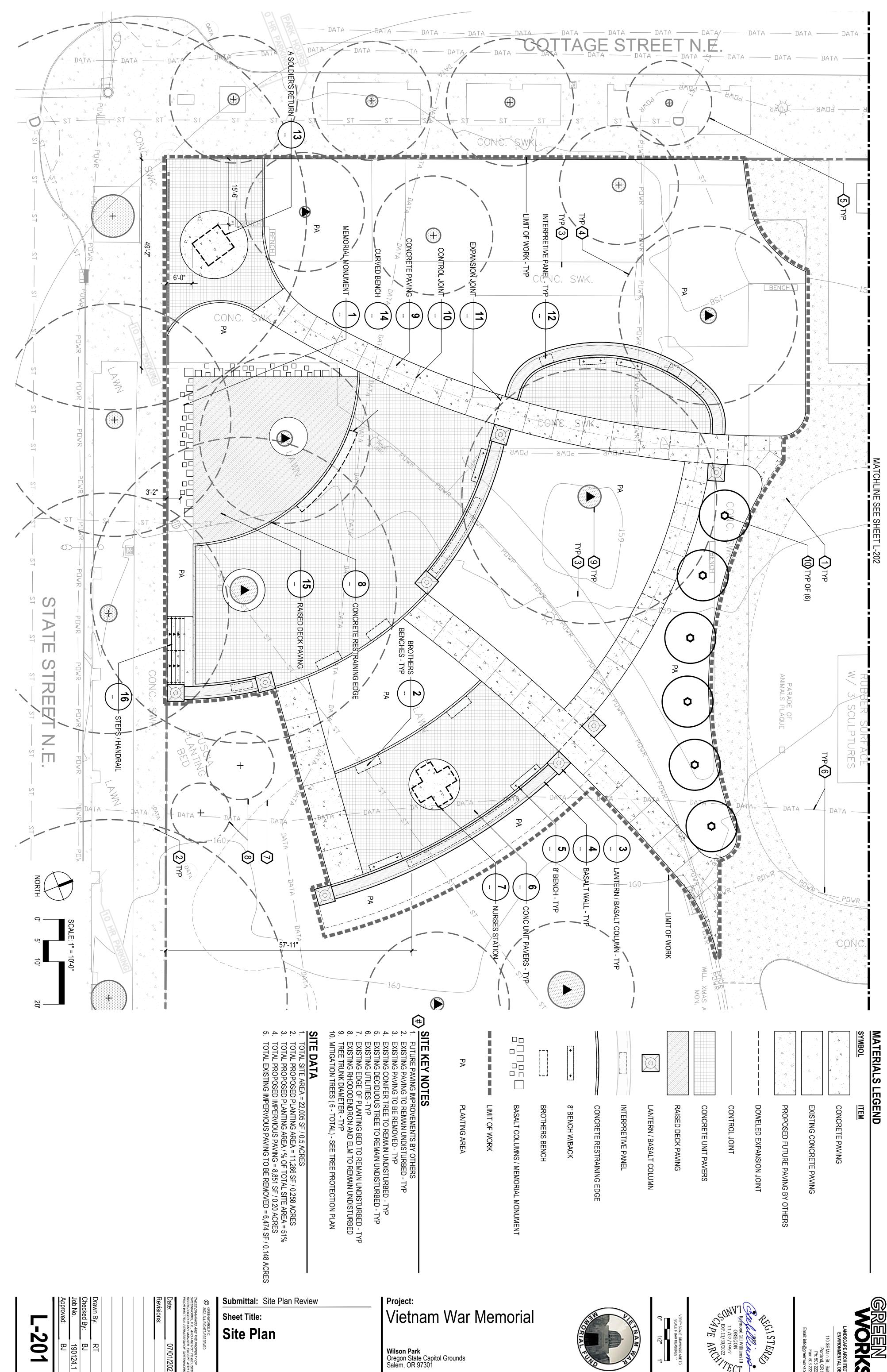
B. Proposed Development Plans

C. Arborist Report

D. Public Works Memo

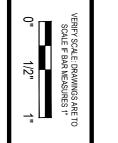
Vicinity Map 900 Court Street NE





Wilson Park Oregon State Capitol Grounds Salem, OR 97301











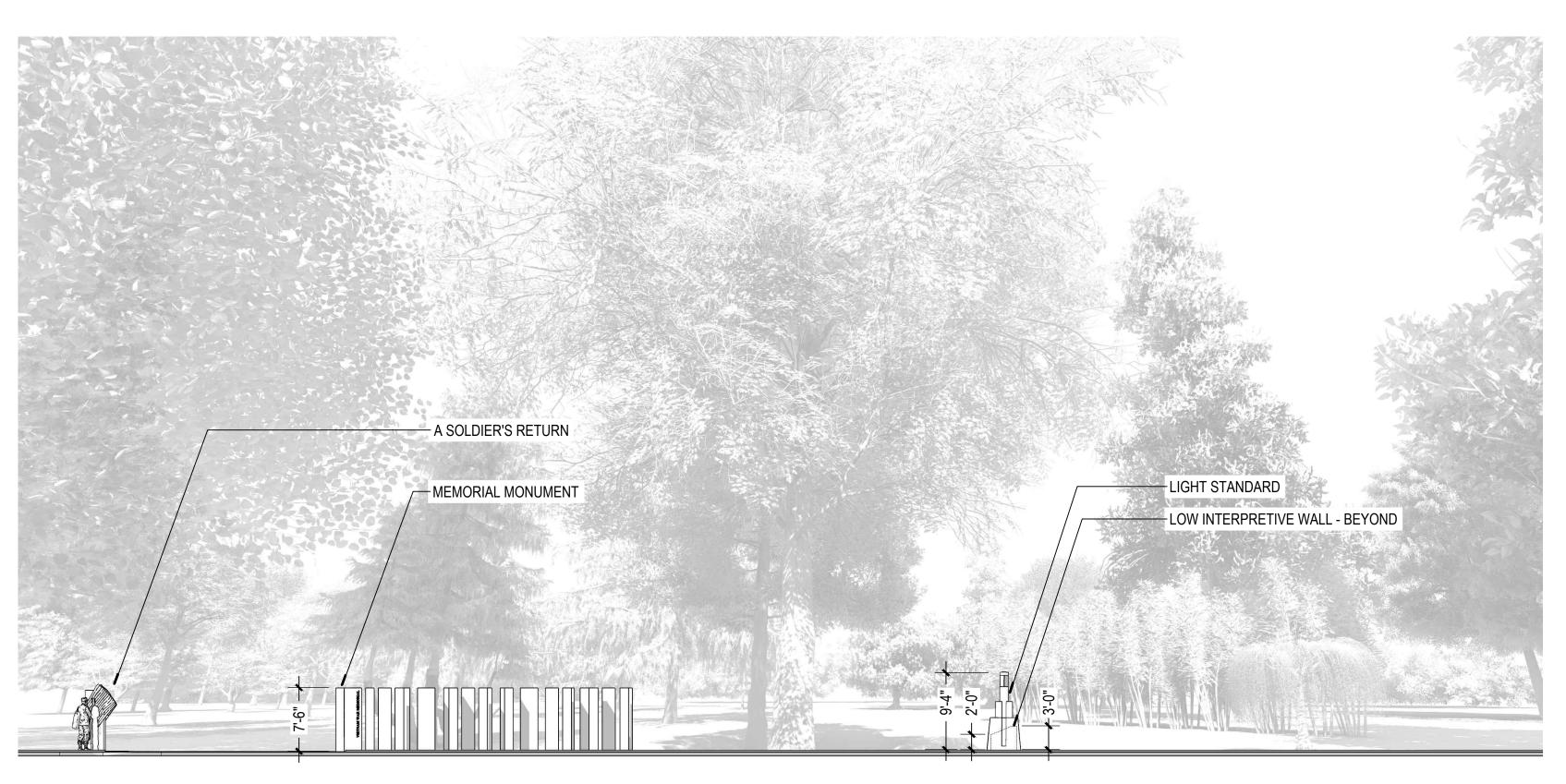
Project: Vietnam War Memorial

Elevation / Rendering

GREENWORKS, P.C. 2022, ALL RIGHTS RESERVED THESE DRAWINGS ARE THE PROPERTY OF GREENWORKS, P.C., AND ARE NOT TO BE USED OR REPRODUCED IN ANY MANNER, EXCEPT WITH THE PRIOR WRITTEN PERMISSION OF GREENWORKS, P.C.

07/01/2022

Checked By: BJ



SITE PERSPECTIVE VIEW FROM SOUTHEAST CORNER OF SITE AT STATE STREET NE LOOKING NORTH \bigcirc

NOT TO SCALE

June 21, 2022

Ben Johnson Greenworks 110 SE Main St STE 100 Portland, OR 97214



Tree Protection for Vietnam War Memorial

Dear Ben.

You contacted us about tree protection and preservation for three trees that are intended to be incorporated into a proposed memorial to be dedicated to veterans of the Vietnam War. The trees in question are located in the southwest corner of Willson Park, located in Salem, OR.

Given the labor intensive activities surrounding the proposed construction, the City of Salem requested that site plans include appropriate protection of the subject trees as a condition of granting permits. An arborist report was requested that indicated that proposed measures for protection of the affected trees were appropriate. We met remotely via Microsoft Teams on June 10, 2022 to discuss the plans. This letter outlines my observations, analysis and recommendations from that meeting.

The three trees include the Embracing Tree, a western redcedar (*Thuja plicata*), which is planned to be the figurative foundation of the proposed memorial, largely due to its unique branch architecture (Photo 1). In addition, the Liberty Tree, an Atlas cedar (*Cedrus atlantica*) and a Douglas fir (*Pseudotsuga menziesii*) located slightly north of the two named trees, are located inside the construction envelope (See Page 4, Site Plan).

The Embracing Tree was assessed and the root system was surveyed in April 2022 in conjunction with a Root Invigoration™ performed by Bartlett



Photo 1. The Embracing Tree during Root Invigoration procedure. (04.29.2022)

Tree Experts. The root collar of the Liberty Tree was also exposed and surveyed. The purpose of the survey was to locate the significant roots (those two inches in diameter and larger), and more importantly, the spaces between them to aid in determining where footings could be placed to support a deck, which will encompass much of the root zone of the Embracing Tree. The deck will be elevated, avoiding contact with the ground, which will avoid future interactions with tree roots. Outward to the northeast from the deck, a patio of permeable concrete pavers will be laid through the remainder of the Embracing Tree's root zone and that of the Liberty Tree. Rainwater will be allowed to penetrate through the patio surfance, down to the roots of the two trees.

The Douglas fir will have two narrow concrete walkways installed just inside the north and west edges of its root zone, with an area of permeable concrete pavers between the western walkway and an interpretive panel. The remainder of the root zone is proposed to be kept as a planting area following construction (See Page 5, Hardscape Map).

The Vietnam War Memorial should have minimal effect on the three subject trees. Elevated decking mounted on footings deliberately placed in areas where no roots are located and using a paver system that allows water infiltration into the trees' root zones will greatly reduce the potential for injury to roots and lower trunks and minimize future interactions between roots and the structures associated with the memorial. The following recommendations will help to minimize any detrimental effects on the trees:

- Establish a Tree Protection Zone (TPZ) around trees to be preserved to prevent damage to roots and aboveground portions over the course of construction. Per Section 808.005 of the City of Salem's Unified Development Code, TPZs should be established as a radius of one foot per inch of trunk diameter at 4.5 feet above grade. The City uses the term Critical Root Zone to indicate the TPZ. For the purposes of this project, the two terms are synonymous.
- Delineate TPZs with above ground silt fencing fully encircling the TPZ of each tree. The Embracing Tree and the Liberty Tree have overlapping root zones, and their TPZs will also overlap. Their TPZs can be fenced off together as a single unit.
- The nature of the project will require some incursion into TPZs to place footings, assemble the decking, install the pavers, and to install the infrastructure necessary for the memorial. The silt fence can be moved to allow needed access into a tree's TPZ only while work is being done in that area and must be returned to its previous position upon completion of the work or the end of the workday, whichever comes first.
- A layer of wood chips 4-6 inches deep should be placed over the trees' root zones to prevent compaction of the soil underneath while construction progresses. Areas of higher traffic, whether foot traffic or vehicular, can have the added weight disbursed by placing ¾-inch plywood or similar material over them while construction is ongoing. Remove plywood and reduce wood chip depth to 3-4 inches when access into any tree's TPZ is no longer required. Care should be exercised in keeping wood chips away from the trunks and root collars of protected trees.
- No grading or storage of any materials or equipment is permitted inside any tree's TPZ.
- The silt fence should be kept intact and in good repair for the duration of the project.
- Ensure that protected trees are kept adequately irrigated in the absence of natural rainfall over the course of the project.

Means of supplying water during spells of hot and dry weather after the memorial is completed should be incorporated into the design. Soil samples should be taken periodically for analysis and any deficiencies discovered should be corrected to maintain tree health.

If you have any questions about my observations or recommendations, please contact me.

Sean Rinault ISA Board Certified Master Arborist PN-7889B ISA Tree Risk Assessment Qualified srinault@bartlett.com

Limits of the Assignment

This was not a tree risk assessment. As such, no trees were assessed for risk in accordance with industry standards, nor are there any tree risk ratings or risk mitigation recommendations provided within this report.

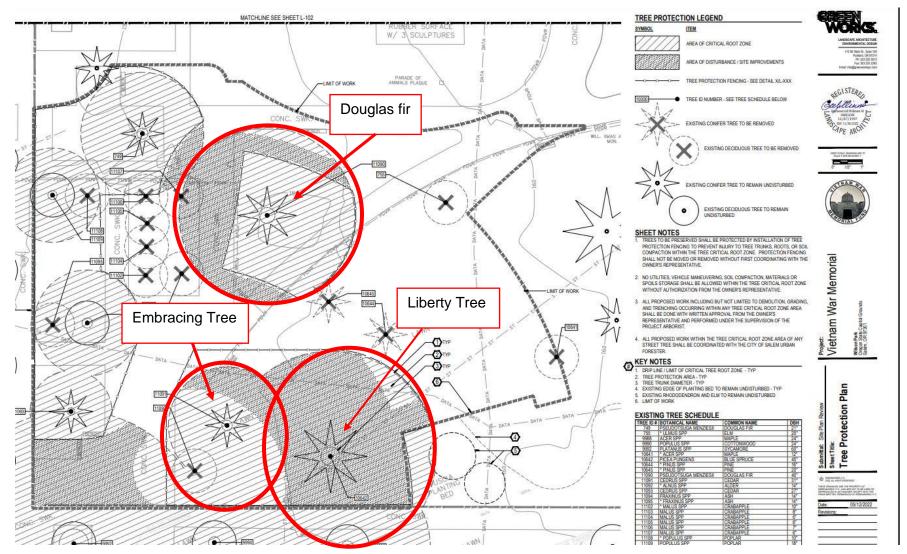
Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant can neither guarantee nor be responsible for the accuracy of information provided by others.

Illustrations, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys.

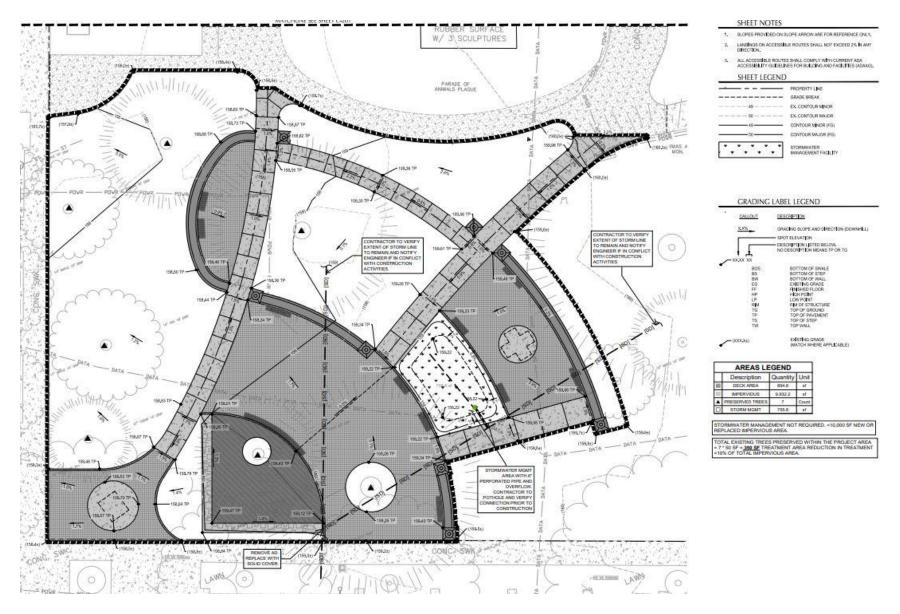
Information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection. There is no warranty or guarantee, expressed or implied, that problems of deficiencies of the plans or property in question may not arise in the future.

There is no guarantee for the preservation of the trees contained in this report, however, the preservation plan is made with the best interest intended for the trees being preserved.

SITE PLAN



HARDSCAPE MAP





Oregon Parks & Recreation Department

Tree Risk Assessment Report

PREPARED FOR:

Oregon Parks & Recreation Department 725 Summer St. NE C Salem, OR 97301

PREPARED BY:

Sean Rinault
Associate Consulting Arborist
ISA Board Certified Master Arborist #PN-7889B,
ISA Tree Risk Assessment Qualified

PROVIDED BY:

Lyle Feilmeier Commercial Arborist Representative and Local Office Manager ISA Board Certified Master Arborist #MW-0173B, ISA Tree Risk Assessment Qualified



Bartlett Tree Experts Portland Area Office 11814 SE Jennifer St. Clackamas, OR 97015 503.722.7267

Tree Risk Assessment Report

The Embracing Tree
Willson Park, Oregon State Capitol
May 25, 2022

Table of Contents

Summary	
Introduction	3
Assessment Procedures	3
Observations	4
Tree Risk Assessment	6
Discussion	8
Conclusions and Risk Mitigation Options	10
Limitations	11
Assignment	11
Sonic Tomography	11
Limitations of Tree Risk Assessments	11
Site Map	13
ArborSonic 3D™ Tomograms, Central Stem	14
ArborSonic 3D™ Tomograms, Secondary Stems	
Soil Nutrient Analysis Results	16
Tree Risk Assessment Definitions	17

Summary

In April 2022, the Oregon Parks and Recreation Department (OPRD) agreed to the recommendation of completing a **Level 2**: **Basic assessment** and **Level 3**: **Advanced assessment** of **tree risk** on one western redcedar (*Thuja plicata*). The Embracing Tree was growing as a low-branched tree, having a central stem, and two secondary stems on opposite sides of the central stem, giving the appearance that it was offering an embrace to passers-by. It was located in the southwest corner of Willson Park, which occupied the area immediately to

the west of the Oregon State Capitol building. The assignment was to determine the tree's **overall risk rating** for people and the surrounding property. The initial concern of OPRD was the possibility of compromised tree stability in light of visible decline of the tree's central stem. A secondary concern was whether the tree could be brought to a state of health and vigor such that it could serve in its planned role as anchor in a new memorial to be constructed and dedicated to veterans of the Vietnam War.

I visited the park on April 29, 2022, with fellow Bartlett team members Kris Maxwell and Adrian Sanchez, to assess the tree. I performed the Level 2 Basic assessment and the sonic tomography. Kris performed the climbing inspection, and Adrian performed the root collar excavation.

ArborSonic 3D[™] tomograms indicated the presence of a significant loss of structural integrity at all three sensor planes on the



Photo 1: The Embracing Tree as seen from the northeast, showing its unique structure. (04.29.2022)

central stem. A minor loss of structural integrity was detected at the sensor plane closest to the site of an open cavity on each of the secondary "arms," with negligible loss of structural integrity at the sensor plane located 150cm out on each arm from its union with the central stem. The loss of structural integrity in the central stem appeared somewhat asymmetrical and lacked any visible external indicators, except the general decline of the central stem's foliar canopy and a cavity in the cross section of a large branch that had previously been removed. Using the methods outlined in this report and the results of the assessment of this tree, it is my professional judgment that the overall risk rating for root collar, trunk, crown, and branch failure is *low* within the next three years.

Options to mitigate the risk associated with the Embracing Tree are listed below.

Option One:

I recommend pruning to remove dead branches and reduce the relative size of the crown. The estimated residual risk of root collar, trunk, crown, or branch failure would remain *low*.

Option Two:

If the level of risk is unacceptable, then the tree should be removed and the stump ground, removing all risk of failures associated with the tree.

Option Three:

If no mitigation is done, the overall risk rating would remain low. The tree's risk may increase in the future as a result of not performing mitigation.

A Root Invigoration® was performed concurrently with the assessments on the Embracing Tree, starting with compressed air excavation of the root collar and scaffold roots to aid in mapping the significant roots (those greater than two inches in diameter).

Soil and root samples were taken, to assess nutrition and to test for root rot pathogens. I recommend supplementing the nutrients found to be in short supply by the soil analysis and establishing a soil care program to curtail the further development of the Phytophthora infection discovered in the root sample.

I also recommend installation and periodic use of a supplemental irrigation system during the increasingly warm and dry growing seasons, that delivers a slow, uniform application of water. It would improve the Embracing Tree's health and long-range success in anchoring the planned memorial. Use care to protect the base of the trunk from excessive moisture.

Further, once the memorial has been completed, the accessible soil surface under the tree's canopy should have a layer of mulch (wood chips) applied and maintained at a depth of three to four inches to provide organic matter, buffer soil temperatures, and reduce moisture loss due to evaporation. Be sure to keep the mulch at least 4 to 6 inches from the root collar to prevent potential rot issues from excess moisture retention at the collar and avoid "mulch volcanoes."

If the redcedar should remain, I recommend an **inspection interval** of every 12 months and after major storm events.

Tree risk assessment definitions are provided at the end of this report to help with understanding the terminology and with selecting the level of risk you are comfortable with when making decisions on your tree care needs.

Introduction

Willson Park was located in Salem, OR, on the grounds of the State Capitol building. In April 2022, OPRD requested that Bartlett Tree Experts conduct a tree risk assessment of one tree with visible decline to help determine future management. The western redcedar was located at the southwest corner of the park, adjacent to the northeast corner of the intersection of Cottage and State Streets. The result of the project would be a written report describing our observations, findings, and recommendations.

After OPRD discussed the tree with Commercial Arborist Representative Lyle Feilmeier, it was agreed that my assignment was to:

- Perform a ground based Level 2: Basic assessment of the tree and site to determine the tree or tree part's likelihood of failure, likelihood of impact to targets, and the consequences of failure and impact, in order to determine tree risk.
- 2. Perform a Level 3: Advanced assessment to provide additional information for the risk assessment. This assessment would include the use of sonic tomography to identify the potential loss of structural integrity within the lower trunk of the tree, and each of the two secondary stems.
- 3. Perform an aerial inspection of the upper canopy of the tree by means of a climbing arborist ascending the central stem.
- 4. Perform a root collar excavation with compressed air to expose the collar and major scaffold roots to determine their condition and inspect for root rot or decay issues
- Provide a written report that documents the tree conditions of concern/defects detected, specific targets assessed, results of the assessments, results of the sonic tomography, risk ratings, mitigation options with estimated **residual risk**, and a recommended inspection interval.

Assessment Procedures

The risk of root, root collar, trunk, crown, and branch failure for the redcedar via a ground-based basic assessment was performed. In addition, the lower trunk and the two secondary stems had an advanced assessment for failure performed using sonic tomography. A climbing arborist ascended the tree's central stem to assess the upper portions of the canopy that were not visible from the ground. Additionally, an AirSpade® was used to excavate the root collar and scaffold roots to inspect for rot or decay issues.

Performed concurrently with this risk assessment was a survey crew mapping the exposed roots for the purpose of determining where footings could be placed for the planned Vietnam War memorial without detrimental effect to the tree. Finally, the root excavation was the first step of a full Root Invigoration®, Bartlett's procedure for breaking up and adding amendments to compacted soil to create more hospitable rooting conditions for the subject tree. The assessments, root mapping, and Root Invigoration® occurred on March 29, 2021, and followed

the International Society of Arboriculture's (ISA) Best Management Practices for Tree Risk Assessment and American National Standards Institute A300 Tree Risk Assessment Standard).

Tree risk ratings are derived from a combination of three factors: the likelihood of failure, the likelihood of the failed tree part impacting a target, and the consequences of the target being struck. These factors are then used to categorize tree risk as *extreme*, *high*, *moderate*, or *low*. The factors used to define your risk rating are identified in this report.

Tools used in the assessment included an AirSpade® to examine soil conditions and loose bark, climbing gear and camera phone used by the climbing arborist who ascended the tree, a Dutch auger for obtaining soil samples, bypass pruning shears for collecting root samples, and a sounding mallet to detect concealed internal cavities.

In addition to these tools, sonic tomography was used to identify the potential loss of structural integrity within the lower trunk and the two secondary stems, and provide images used for analysis within this report (Photo 2). The ArborSonic 3D™ sonic tomography device uses sound waves to estimate the presence of internal loss of structural integrity. Sound waves move from sensor to sensor more quickly through wood that is intact and not structurally compromised. Sound waves have to move around compromised areas such as cracks, cavities, decay, or voids, causing it to take longer to reach the other sensors. The times for a sound wave to reach the other sensors are presented as a graphic image, called a tomogram. Estimated structural integrity is represented by a color scale from

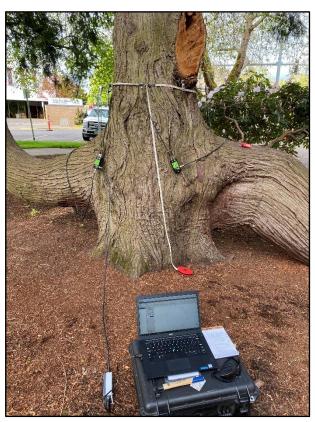


Photo 2: Sonic tomography readings were taken on three horizontal planes of the redcedar's central stem, and on two vertical planes on each of the two secondary stems. Significant loss of structural integrity was indicated at all three central sensor planes, and minor to negligible loss of structural integrity was detected at the four secondary sensor planes. (04.29.2022)

areas with high structural integrity (green) to areas of no structural integrity (blue).

Observations

The Embracing Tree was located near the southwest corner of Willson Park. The tree was growing on level grade with a top dressing of bark dust on the ground under the tree from the root collar to the edge of the dripline to the north and east, and out to a concrete path to the west and the sidewalk to the south. Larger trees were growing to the east, south, and west of the subject tree, effectively buffering it from the prevailing south to southwest winds during the fall to spring months, and the occasional strong east winds from the Columbia River Gorge.

Those same buffering trees were also partially shading the Embracing Tree, leading to a crown that was weighted slightly to the north.

The canopy of the mature western redcedar was supported by one vertical central stem that divided into three primary scaffolds at two feet above grade. The two secondary stems ran perpendicular to the central stem for approximately five feet before turning 90 degrees and orienting themselves upward. They were situated 180 degrees from one another, on a plane that was oriented northwest to southeast. The more northwesterly stem contacted the ground at the apex of its 90-degree angle. There were no roots found at that contact point.

The tree's form and structure were broad, open, and typical of the species, though fairly sparse. The overall vitality of the tree was low, with diminished shoot growth and canopy density. The central stem had copious amounts of dead branches approaching two inches in diameter. Inspection aloft discovered injuries to the upper portions of the central stem, where ice loading (presumably from the 2021 ice storm) likely broke several upper branches. While alive, the top of the central stem was not in good condition. The secondary stems appeared to be notably healthier, with fewer dead branches, and fuller foliar coverage. The secondary stems also had cables installed approximately halfway up securing them to the central stem.

Above and slightly offset from the union of the central stem with the northeasterly secondary

stem was a cut approximately 20 inches high by 12 inches wide that had removed a large branch. It appeared to be about a year old, possibly also the result of a storm damage induced failure from February 2021. The top of the cut had a cavity roughly 5.5 inches in diameter (Photo 3). The cavity appeared to extend into the central stem, based on the hollow sound I observed when I struck the area with the mallet. The readings obtained with the ArborSonic® at the upper sensor plane appeared to support my observation.

The upper surface of the transverse portion of each of the secondary stems had a cavity open to the outside. Each was shallow in depth and extended approximately 12-15 inches along the top of each stem. Carpenter ants were active in the cavity of the southeasterly stem and started emerging when our activities commenced.

The root collar was slightly buried. However, the root flare was visible. There was uneven distribution of roots revealed during the AirSpade® excavation. Roots on the south side

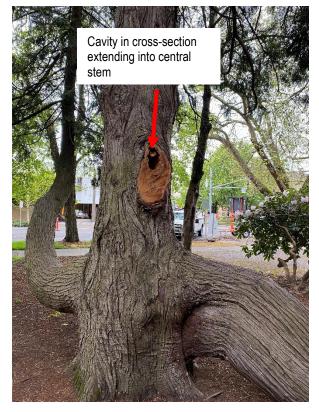


Photo 3: A large branch was removed prior to our assessment, revealing a cavity that extended into the central stem. (04.29.2022)

of the tree were generally sparse, with large spaces between most. Roots on the north side were denser, to the point of being matted. They were mapped as sections with distinct borders by the survey crew because individual roots on the north side could not be separated for individual measure and mapping.

The ArborSonic tomograms indicated the presence of a significant loss of structural integrity at all three of the sensor planes on the central stem. Readings were taken on two planes on the transverse sections of each of the secondary stems to get a sense of how deep any loss of structural integrity went, and how far along each stem it had progressed. The sensor plane on each that was closest to the union with the central stem (approximately 45cm from the union) showed minor loss of structural integrity, while the sensor plane on each located at 150cm from the union indicated negligible loss of structural integrity. Sounding the trunk and root collar with a mallet further substantiated the results of sonic tomography testing.

Laboratory results from the soil sample I took revealed a measured pH of 5.3, which is below the 5.5 minimum threshold of the preferred range for western redcedar. Boron, calcium, and manganese were also found in lower than recommended concentrations for the species. A copy of the results can be found in the appendix.

Testing of the root sample I collected exhibited sloughing of the outer tissue of the roots, weak unions of root branches, dead roots, and generally fewer fine roots than would be expected, consistent with an infection by *Phytophthora*. An Enzyme-Linked Immunosorbent Assay (ELISA) was run on the sample, which tested positive for *Phytophthora*.

Additional observations are provided in the table below:

Observations			
Species	Western redcedar		
	(Thuja plicata)		
DBH	41 inches (center), 28 inches (NE), 23 inches SW)		
Height	~40 feet		
Condition	Fair		
Soil Conditions	Clay; no apparent irrigation		
Mulch	Fine bark compost		
Defects	Co-dominant stems		
	Cavity-stem (all three stems)		
	Low vigor canopy		
	Dead branches		
Pests	Carpenter ants		
	Phytophthora		

Tree Risk Assessment

After observing the site's usage and **occupancy rates**, combined with my observations during the assessment, we determined that within the tree's **target zone**:

- People were frequent targets,
- Infrastructure (lighting) was a constant target, and
- The paved path and the city sidewalk were constant targets.

It bears noting that the construction and completion of the Vietnam War memorial could change occupancy rates and potentially the overall risk rating for the Embracing Tree. This risk assessment applies only to those structures and features in existence at the time the assessment was made.

In determining the risk ratings, I considered a tree or tree part failure impacting a person to have one of the highest consequences, **significant** or **severe**. I considered a tree or tree part failure impacting a structure as having **minor** consequences.

I used a time frame of three years when I assessed the likelihood of tree or tree part failure. Following industry standards, the time frame is one factor used in the equation to determine tree risk. Trees and sites change on a daily basis. You should not consider this time frame a "guarantee period" for the risk assessment or that the tree will not fail or is safe within this time frame.

The main concerns observed during the assessment and their associated risk ratings are provided in the following table. Information not specifically summarized in the table was not considered a significant factor at the time of assessment.

Tree Part of Concern	Condition of Concern	Target	Likelihood of Failure	Likelihood of Impact	Likelihood of Failure & Impact	Consequences	Risk Rating
Trunk and Root collar	Loss of structural integrity	People in target zone	Improbable	Very low	Unlikely	Significant	Low
Trunk and Root collar	Loss of structural integrity	Lighting	Improbable	Very low	Unlikely	Minor	Low
Trunk and Root collar	Loss of structural integrity	Paved path and city sidewalk	Improbable	Low	Unlikely	Minor	Low
Crown and Branches	Dead branches	People in target zone	Probable	Low	Unlikely	Significant	Low
Crown and Branches	Dead branches	Lighting	Probable	Low	Unlikely	Minor	Low
Crown and Branches	Dead branches	Paved path and city sidewalk	Probable	Low	Unlikely	Negligible	Low

Using the methods outlined in this report and the results of the assessment of this tree, it is my professional judgment that this tree has an overall tree risk rating of *low*. If this level of risk is not acceptable to you, then mitigation actions should be taken as soon as practical to reduce the risk to an acceptable level.

Discussion

Three conditions potentially elevate the risk associated with the subject tree:

- The loss of structural integrity within the lower trunk and root collar
- The unique co-dominant structure of the Embracing Tree's three primary scaffolds
- The potential for crown collapse in the event of individual scaffold branch failure.

The tree was in fair condition. The loss of structural integrity detected within the lower trunk was significant. A visual representation of sonic tomography data showed a continuous column of loss of structural integrity between the upper and lower sensor planes that was fairly irregular in shape.

While the shell wall thickness to the east and west of the column was adequate for support, the asymmetrical shape of the column may increase the likelihood of trunk failure. Because all three stems were cabled, failure of one stem could cause a domino effect, resulting in one or both remaining stems failing.

While a co-dominant branching structure of a tree's scaffold limbs often could be a failure point, the Embracing Tree's two secondary stems lacked the narrow branch attachments and bark inclusions that would normally be expected. In fact, the unions of the secondary stems were perpendicular to the plane of the central stem. The cavities seen in the upper portions of the two secondary stems were also shallow and limited in their extent. Structurally, the tree appeared quite stable.

The amount of damage sustained by the upper reaches of the central stem could lead to the very top of it dying back, possibly with new growth emerging from a point further below. If that were to transpire, a strong shoot in a suitable location on the central stem could be trained to assume dominance and gradually recover and replace what was lost.

The Root Invigoration® not only allowed the roots to be mapped for reference in the design of the memorial, but the soil was de-compacted and amendments like biochar and compost were added to incorporate long-term nutritional benefit to the tree, as well as aid in preventing recompaction. Further root growth is fostered by richer soil that is more easily penetrated by growing roots, which leads to improved growth of the aboveground portions.

Laboratory results of the soil sample I took indicated that the pH should be raised with the application of lime. Supplementation of boron and manganese would also help to give the tree more of what it needs to improve its ability to deal with environmental stresses, improve its overall health and vigor, and carry on into the future as an integral part of the planned memorial.

Concurrent with the nutritional and pH adjustments, a program should be instituted to suppress the advancement of the confirmed *Phytophthora* infection. The pathogen is a fungus-like organism with a reproductive spore that is capable of actively swimming in free water (found in times and areas of high soil saturation) to seek out a susceptible host. It infects and kills the roots it encounters, thereby reducing the numbers of roots that can move water and nutrients into the plant. This results in wilting and dieback of aboveground portions of a tree, and eventual outright death of a tree if conditions that favor the pathogen persist. Promoting drainage of the rooting area to prevent excess water in the soil and augmenting the soil profile with organic matter are the best ways of mitigating *Phytophthora* infection for the long term. The presence of organic matter (mulch) introduces fungi that break down plant fibers and cell walls as part of normal decomposition. Those same fungi also break down the cell walls of *Phytophthora*, effectively reducing its ability to cause infection.

The recent Root Invigoration® will serve to improve drainage and it introduced organic matter into the soil profile. There are treatments that can be made in the short term that can also suppress the pathogen and give the tree a window of opportunity to strengthen itself while the cultural changes begin to have their regulatory effects. We can provide proposals for both the fertilization and the *Phytophthora* suppression upon request.

Removal of dead branches and pruning weak branches in the upper portions of the central stem would improve the tree's overall appearance and begin the process of re-establishing a true leader on that stem.

Finally, I did not observe any obvious signs of an irrigation system near the tree. Western

redcedars are riparian species, living in relatively close proximity to water sources. The current trend of warmer growing seasons with less rainfall, coupled with competition from the larger trees nearby would make infrequent but deep watering a key component in the Embracing Tree's continued success.

Conclusions and Risk Mitigation Options

I determined the overall tree risk rating for the Embracing Tree to be *low*.

Options to mitigate the risk associated with the western redcedar are listed below. Please make sure the estimated overall residual risk rating is acceptable to you before deciding on a specific option.

Option One:

I recommend pruning to remove dead branches and reduce the relative size of the crown. The estimated residual risk of root collar, trunk, crown, or branch failure would remain *low*.

Option Two:

If the level of risk is unacceptable, then the tree should be removed and the stump ground, removing all risk of failures associated with the tree.

Option Three:

If no mitigation is done, the overall risk rating would remain low. The tree's risk may increase in the future as a result of not performing mitigation.

I recommend raising the soil pH with the addition of lime and supplementing boron and manganese, per the results of the soil analysis.

Short term suppression of *Phytophthora* should be implemented while the recent Root Invigoration's effects begin their suppressive activities. Please inquire with your Bartlett Arborist Representative to obtain proposals for soil care and disease suppression.

Deep, infrequent warm season irrigation should be supplied, especially during periods of high temperature and drought conditions. Application should be slow and as even as possible, taking care to avoid direct contact of irrigation water with the root collar and lower trunk. Use of soaker hoses under a mulch layer can provide necessary moisture while keeping the delivery infrastructure out of sight.

The accessible soil surface under the tree's canopy should have a layer of mulch (wood chips are best) applied and maintained at a depth of three to four inches to provide organic matter, buffer soil temperatures, and reduce moisture loss due to evaporation. Avoid applying mulch directly on the root collar or in contact with the trunk.

If the redcedar should remain, I recommend an inspection interval of every twelve months and after major storm events.

All recommended work should be performed by qualified arborists and in accordance with industry accepted standards and best management practices set forth by the *American National Standards Institute* and the *International Society of Arboriculture*.

Limitations

Assignment

Our ground and aerial-based assessments of the Embracing Tree in Wilson Park were based on a single site visit on April 29, 2022. All photographs, samples, and readings were taken at the time the assessments were performed.

The assessments were limited to targets and structures in existence at the time the assessments were conducted.

Sonic Tomography

Sonic tomography devices can provide sophisticated results related to tree structure. This is done by using sound wave technology that is directed through the tree and recorded. However, as with any higher-level technology, the amount of loss of structural integrity shown can vary based on the version of the program software used. Therefore, this technology can be limited and should not be used by the tree owner/manager as the sole decision-making criteria, but rather one of many factors used in the decision-making process.

Limitations of Tree Risk Assessments

It is important for the tree owner or manager to know and understand that all trees pose some degree of risk from failure or other conditions. The information and recommendations within this report have been derived from the level of tree risk assessment identified in this report, using the information and practices outlined in the *International Society of Arboriculture's Best Management Practices for Tree Risk Assessment* and *Assessment* and *American National Standards Institute A300 Tree Risk Assessment Standard*, as well as the information available at the time of the inspection. However, the overall tree risk rating, the mitigation recommendations, or any other conclusions do not preclude the possibility of failure from undetected conditions, weather events, or other acts of man or nature. Trees can unpredictably fail even if no defects or other conditions are present. Tree failure can cause adjacent trees to fail resulting in a "domino effect" that impacts targets outside the foreseeable target zone of this tree. It is the responsibility of the tree owner or manager to schedule repeat or advanced assessments, determine actions, and implement follow up recommendations, monitoring and/or mitigation.

Bartlett Tree Experts can make no warranty or guarantee whatsoever regarding the safety of any tree, trees, or parts of trees, regardless of the level of tree risk assessment provided, the risk rating, or the residual risk rating after mitigation. The information in this report should not be considered as making safety, legal, architectural, engineering, landscape architectural, land surveying advice or other professional advice. This information is solely for the use of the tree owner and manager to assist in the decision-making process regarding the management of their tree or trees. Tree risk assessments are simply tools which should be used in conjunction with the owner or tree manager's knowledge, other information and observations related to the specific tree or trees discussed, and sound decision making.

Thank you for the opportunity to provide this information. Please contact me if you wish to review these results or discuss the next steps to take with mitigation, or if I can be of any other service in the management of your landscape.

Sean Rinault

ISA Board Certified Master Arborist #PN-7889B,

ISA Tree Risk Assessment Qualified

Encl. Site Map

Advanced Assessment Readings

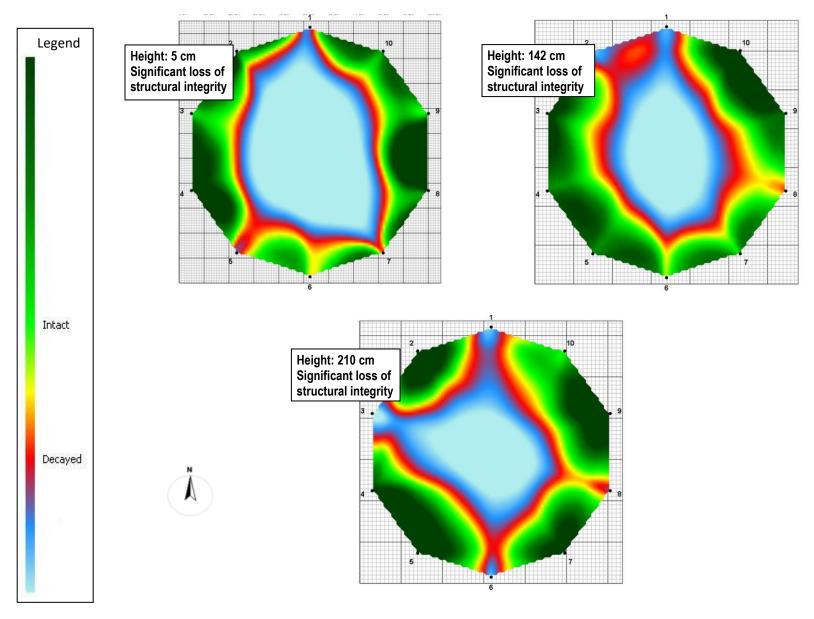
Soil Nutrient Analysis Results

Tree Risk Assessment Definitions

Site Map

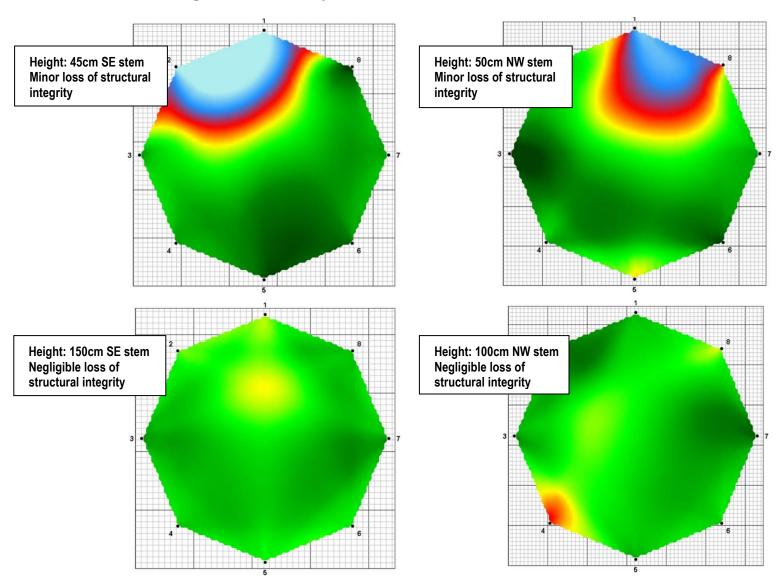


ArborSonic 3D™ Tomograms, Central Stem

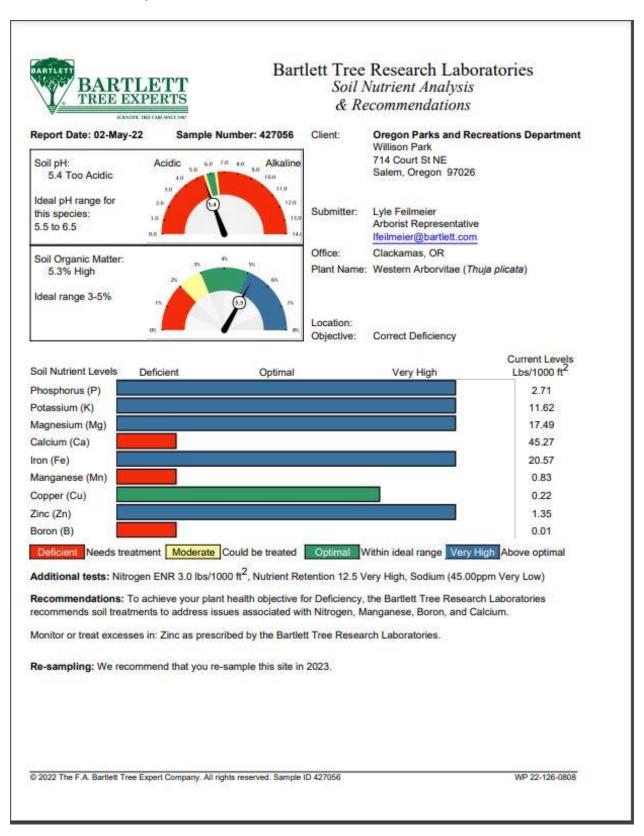


The F.A. Bartlett Tree Expert Company
11814 SE Jennifer Street, Clackamas, OR 97015 ● 503.722.7267 ● www.bartlett.com

ArborSonic 3D™ Tomograms, Secondary Stems



Soil Nutrient Analysis Results



Tree Risk Assessment Definitions

Overview

Tree risk assessment has a unique set of terms with specific meanings. Specific terminology and procedures may be found in the International Society of Arboriculture's (ISA) *Best Management Practice (BMP) for Tree Risk Assessment* or the American National Standards Institute (ANSI) *A300 Tree Risk Assessment Standard*.

Tree Risk Assessment Levels

The three levels of tree risk assessment defined in the ANSI A300 Tree Risk Assessment Standard are:

I. Level 1: Limited Visual Assessment

The visual assessment from a specific perspective (e.g. from the sidewalk, street, parking lot, wood line) of an individual tree or population of trees near specified targets. These assessments are conducted to identify obvious defects or specified conditions. The assessor typically views only of one side of the tree from the specified perspective.

Level 1 assessments are typically performed to quickly assess large populations of trees.

A Level 1 assessment requires the client to identify the location and/or selection criteria of trees to be assessed. The assessor will:

- 1. Determine the most efficient route and document the route taken.
- 2. Assess the tree(s) within the area from the defined perspective (e.g. walk-by, drive-by).
- 3. Record the location of trees that meet the defined criteria (e.g. significant defects or other conditions of concern).
- 4. Evaluate the risk (risk rating is optional).
- 5. Identify trees requiring a higher level of assessment (Level 2 or Level 3) and/or prompt action.
- **6.** Submit risk mitigation recommendations and/or report.

Limitations: Level 1 assessments are the least thorough means of assessment. They are typically from one perspective, such as a walk-by, a drive-by, or a fly-over. This level of assessment is most commonly used to prioritize higher-risk trees within larger groups of trees when budgetary, time, or other management factors are a concern. Given the visual restrictions, the information can be limited. Some conditions may not be visible from the one-sided inspection. Not all conditions are visible at all times of the year, and the assessment may not be adequate to make a risk mitigation recommendation. Residual risk designations for trees may not be included.

II. Level 2: Basic Assessment

A Level 2 assessment is a detailed visual inspection of a tree and its surrounding site and a synthesis of the information collected. It requires a 360° inspection around a tree including the site, visible buttress roots, trunk, branches, and crown.

The assessment may include the use of tools such as binoculars, mallet, or probe at the discretion of the assessor or at the request of the owner/manager.

The assessor will:

- 1. Locate and identify the tree or trees to be assessed.
- 2. Determine the targets and target zone for the tree or tree part(s) of concern.
- 3. Review the site history and conditions, and species failure profile.
- 4. Assess potential load on the tree and its parts.
- 5. Assess general tree health.
- 6. Inspect the tree visually and using binoculars, mallet, probes, and/or shovels, as desired by the arborist or as specified in the Scope of Work.
- 7. Record observations of site condition, defects, indicators of internal defects, and response growth.
- 8. If necessary, recommend a Level 3 advanced assessment.
- 9. Analyze data to determine the likelihood of failure, likelihood of impact and consequences of failure in order to evaluate the degree of risk.
- 10. Develop mitigation options and estimate residual risk for each option.
- 11. Recommend a re-inspection intervals,
- 12. Develop and submit the report/documentation.

Limitations: Level 2 assessments only include conditions and defects that can be detected from a ground-based visual inspection on the day of the assessment. Internal below-ground, or upper-crown conditions, decay, and defects, may not be detected.

III. Level 3: Advanced Assessment

A Level 3 assessment is performed to provide detailed information about specific tree parts, defects, targets, or site conditions. These are usually conducted in conjunction with or after a Level 2 assessment with owner/manager approval. Specialized equipment, data collection and analysis, and/or expertise are usually required for Level 3 assessments.

A Level 3 assessment provides detailed information about a specific tree part or condition. It involves the use of specialized equipment or techniques. The assessor will:

- 1. Locate and identify the tree or trees to be assessed.
- 2. Determine the targets and target zone for the tree or tree part(s) of concern.
- 3. Review the site history and conditions, and species failure profile.
- 4. Assess potential load on the tree and its parts.
- Assess general tree health.
- 6. Inspect the tree using advanced techniques as specified in the Scope of Work.
- 7. Record results from advanced techniques.
- 8. Analyze data to determine the level of risk.
- 9. Develop mitigation options and estimate residual risk for each option.
- 10. Recommend a re-inspection intervals.
- 11. Recommend other advanced assessments if necessary.
- 12. Develop and submit the report/documentation.

*Items 1-5 may be included in the associated Level 2 assessment. Level 3 procedures and methodologies, which are referred to as technologies, may

include:

Procedure	Methodology
Aerial inspection and evaluation of structural defects in upper stems and branches	 visual inspection from within the tree crown or from a lift unmanned aerial vehicle (UAV) photographic inspection decay testing of branches
Detailed target analysis	 property value of anything potentially impacted by tree failure use and occupancy statistics potential disruption of activities such as road blockage or an electrical outage
Detailed site evaluation	 history evaluation soil profile inspection to determine root depth soil mineral and structural testing
Decay testing	 increment boring drilling with small-diameter bit resistance-recording drilling single path sonic (stress) wave sonic tomography electrical impedance tomography radiation (radar, X-ray) advanced analysis for pathogen identification
Health evaluation	 tree ring analysis (in temperate zone trees) shoot length measurement detailed health/vigor analysis starch assessment
Root inspection and evaluation	root and root collar excavationroot decay evaluationground-penetrating radar
Storm/wind load analysis	 detailed assessment of tree exposure and protection computer-based estimations according to engineering models wind reaction monitoring over a defined interval
Measuring and assessing the change in trunk lean	visual documentationdigital level
Load testing	hand pullmeasured static pullmeasured tree dynamics

Limitations: Level 3 assessments that include the use of specialized technologies may have uncertainty and require qualified estimations. Exact measures may not be feasible.

Common Terminology

The most common terms are provided below, and were taken or modified from the ISA and ANSI documents.

General Terms Used Throughout Reports

Inspection interval is the recommended amount of time between inspections or assessments.

Occupancy rates categorize the estimated time that a target is physically within a target zone. Occupancy rate is classified as rare, occasional, frequent, or constant.

Overall risk rating is the highest individual risk identified for the tree.

Residual risk is the estimated level of risk after the recommended mitigation.

Risk is the likelihood of an event and its consequences.

Risk rating for a tree or tree part is the combination of the likelihood of failure, likelihood of impact, and the consequences

Time frame is the length of time (typically a one, two, or three-year period) the assessor considers when determining the likelihood of failure of a tree or tree part. A short time frame may result in a lower likelihood of failure rating (less likely to fail) where a longer time frame may result in a higher likelihood of failure rating (more likely to fail). The time frame is one factor in the equation to determining the likelihood of failure of a tree or tree part. Changes in the targets, site use, occupancy rates, and tree and site conditions may result in changes to the likelihood of failure and tree risk, even if the time frame does not change. Tree and site changes are why the owner/manager should not consider the specified time frame a "guarantee period" for the risk assessment or that the tree will not fail or is safe within the stated time frame.

Targets are people, property, or activities that could be injured, damaged or disrupted by a tree or tree part failure. **Targets and occupancy rates** are typically identified based on information derived from the client prior to conducting the assessment, as well as information during the limited time the assessor evaluates the tree and site. Targets, target zones, and occupancy rates may be adjusted based on observations during the assessment.

Target zones are the areas where a tree or tree part is likely to land if it were to fail. The target zone(s) is determined in the field at the time of the assessment.

Trees can generally be defined as woody plants that continue to grow each year, reaching a height of at least five feet.

Tree parts include branches, fruit, and trunks.

Tree risk is the likelihood of a tree failure impacting a target and the severity of the consequences.

Tree risk assessment is the systematic process used to identify, analyze, and evaluate tree risk. Tree risk assessments are generally conducted to assist the tree owner/manager to better understand the risk their trees pose so they can make management decisions to reduce or minimize those risks. Tree risk assessments focus on evaluating the structural integrity of the tree crown, branches, trunks, and roots and root collar.

Tree risk assessors are trained arborists or qualified professionals with experience in performing tree risk assessments.

Terms Used to Communicate Occupancy Rates

Constant indicates a target is present in the target zone at nearly all times, 24 hours a day, seven days a week.

Frequent indicates a target is present in the target zone for a large portion of the day or week.

Occasional indicates a target is present in the target zone infrequently or irregularly.

Rare indicates a target zone is not commonly used by people or other mobile/movable targets.

Terms Used to Communicate the Likelihood of Failure

Imminent indicates that failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load.

Probable indicates that failure may be expected under normal weather conditions within the specified time frame.

Terms Used to Communicate the Likelihood of Failure

Possible indicates that failure could occur, but is unlikely under normal weather conditions within the specified time frame

Improbable indicates that failure is not likely during normal weather conditions and it may not fail in extreme weather conditions within the specified time frame.

Terms Used to Communicate the Likelihood of Impacting a Target

High indicates that a failed tree or tree part will most likely impact a target.

Medium indicates the failed tree or tree part could impact the target but is not expected to do so.

Low indicates that the failed tree or tree part is not likely to impact a target.

Very low indicates that the likelihood of a failed tree or tree part impacting the specified target is remote.

Terms Used to Communicate the Likelihood of a Failure Impacting a Target

Very likely to impact a target is reached by an imminent likelihood of failure and high likelihood of impact. **Likely** to impact a target can be reached by an imminent likelihood of failure and medium likelihood of impact; or probable likelihood of failure and high likelihood of impact.

Somewhat likely to impact a target can be reached by one of the following combinations; an imminent likelihood of failure and low likelihood of impact; probable likelihood of failure and medium likelihood of impact; or possible likelihood of failure and high likelihood of impact.

Unlikely to impact a target can be reached by one of the following combinations; a possible or probable likelihood of failure and low likelihood of impact; possible likelihood of failure and medium likelihood of impact; improbable likelihood of failure with any likelihood of impact rating; or any likelihood of failure rating with very low likelihood of impact.

Terms Used to Communicate the Consequences of Failure and Impact

Severe consequences could involve serious personal injury or death, high-value property damage, or major disruption to important activities

Significant consequences are those that could involve substantial personal injury, property damage of moderate to high value, or considerable disruption of activities

Minor consequences are those that are believed will only cause minor personal injury, low-to-moderate-value property damage, or small disruption of activities

Negligible consequences are those that are believed will not result in personal injury, will only involve low-value property damage, or disruptions that can be replaced or repaired

Terms Used to Communicate Risk Ratings

Extreme risk applies in situations in which failure is imminent, there is a high likelihood of impacting the target, and the consequences of the failure are severe.

High risk situations are those for which consequences are significant and likelihood is very likely or likely; or consequences are severe and likelihood is likely.

Moderate risk situations are those for which consequences are minor and likelihood is very likely or likely; or likelihood is somewhat likely and consequences are significant or severe.

Low risk applies when consequences are negligible and likelihood is unlikely; or consequences are minor and likelihood is somewhat likely.

Conclusion

The tree risk assessment process is not an exact science. Regardless of the level of assessment conducted, every assessment is limited to the trees identified in the scope of

services, conditions detectable at the time of the assessment, the level of communication with the owner/manager, and other conditions that affect the assessor's ability to collect information.

Not all defects and conditions are detectable, and not all tree failures can be predictable. Tree conditions do change over time. Tree inspections are recommended annually and after major weather event.





TO: Olivia Dias, Current Planning Manager

Community Development Department

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

Public Works Department

DATE: July 29, 2022

SUBJECT: PUBLIC WORKS RECOMMENDATIONS

SPR-ADJ-TRV22-36 (22-110042; 22-110045; 22-113625)

900 COURT STREET NE VIETNAM WAR MEMORIAL

PROPOSAL

A Class 3 Site Plan Review for site improvements including walkways, memorial statues and viewing areas, and a Tree Variance to conduct ground distributing construction within 30 percent of the critical root zone of three significant trees. The proposal includes one Class 2 Adjustment to eliminate the opacity requirement for a proposed wall (part of memorial). For development site approximately eleven acres in size, zoned PM (Capital Mall) and PA (Public Amusement), and located at 900 Court Street NE 97301 (Marion County Assessors Map and Tax Lot number: 073W27AA / 200 & 300 and 073W26BB / 4900).

SUMMARY OF FINDINGS

The proposed development meets applicable criteria related to Public Works infrastructure.

FACTS

Streets

1. Court Street NE

- a. <u>Standard</u>—This street is designated as a major arterial street in the Salem TSP.
 The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. <u>Existing Conditions</u>—This street has an approximate 60-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

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).

2. Cottage Street NE

- a. <u>Standard</u>—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. <u>Existing Conditions</u>—This street has an approximate 60-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

3. State Street NE

- a. <u>Standard</u>—This street is designated as a major arterial street in the Salem TSP.
 The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. <u>Existing Conditions</u>—This street has an approximate 60-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. An 18-inch storm main is located in Court Street NE.
- b. An 18-inch storm main is located in Cottage Street NE.
- c. A 21-inch storm main is located in State Street NE.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch water main is located in Court Street NE.
- c. A 12-inch water main is located in State Street NE.

Sanitary Sewer

1. Existing Conditions

- a. A 24-inch sewer main is located in Court Street NE.
- b. A 48-inch sewer main is located in Cottage Street NE.

MEMO

CRITERIA AND FINDINGS

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (Unified Development Code)

Finding—The subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain; 802 – Public Improvements; 803 – Streets and Right-of-Way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; and 810 – Landslides.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

Criteria: SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately

Finding—Cottage Street NE meets the right-of-way width and improvement standards for their street classification per the Salem TSP; therefore, no right-of-way dedication is required as a condition of the proposed development.

Court Street NE and State Street NE do not meet current standards for their classification per the Salem TSP. The proposal includes the installation of a Vietnam Memorial, which is not a building addition subject to SRC 803.040(a); therefore, no right-of-way dedication or street improvements are required.

Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding—The existing driveway access onto Cottage Street NE provides for safe turning movements into and out of the property. No changes to the driveway approach are proposed.

Olivia Dias, Current Planning Manager July 29, 2022 Page 4

MEMO

Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding—The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

Prepared by: Laurel Christian, Program Coordinator

cc: File

Page Break

555 Liberty St SE Salem, OR 97301

CITY OF SALEM



Staff Report

 File #:
 22-345

 Version:
 1

 Item #:
 7.1a.

TO: Mayor and City Council

THROUGH: Kristin Retherford, Interim City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

Petitioner-Initiated Annexation of Territory Located at 3518-3598 Cherry Glen Place NE (Annexation Case No. C-746)

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure.

SUMMARY:

This is a petitioner-initiated, voter-exempt annexation of a 6.87-acre territory located at 3518-3598 Cherry Glen Place NE - 97317 (Marion County Assessor Map and Tax Lots 073W12AA 02502, 02600, and 02700, and 073W12AD 00100 and 00201). The annexation would include a concurrent application of City zoning of RM-II (Multiple Family Residential-II). A vicinity map is included as Attachment 1.

ISSUE:

Shall City Council advance Ordinance Bill No. 15-22 approving annexation, applying City zoning, and approving withdrawal from Marion County Fire District #1, East Salem Sewer and Drainage District for a 6.87-acre territory located at 3515-3598 Cherry Glen Place NE to second reading for enactment?

RECOMMENDATION:

Advance Ordinance Bill No. 15-22 approving annexation, applying City zoning, and approving withdrawal from Marion County Fire District #1, East Salem Sewer and Drainage District for a 6.87-

 File #:
 22-345

 Version:
 1

 Litem #:
 7.1a.

acre territory located at 3518-3598 Cherry Glen Place NE to second reading for enactment.

FACTS AND FINDINGS:

On October 15, 2019, Matthew J. Conser filed an application and petition for an annexation on behalf of J. Conser and Sons, LLC (Matthew J. Conser and Stuart T. Conser), owner of a 5.86-acre property located at 3552 Ward Drive NE - 97305 (Marion County Assessor Map and Tax Lot Numbers 073W12AA / 02502, 02600, and 02700, and 073W12AD / 00100 and 00201) and paid the filing fee, and the application was complete in November, 2019. The applicant requested that the City delay processing of the annexation application until the applicant obtained Certificates of Occupancy for an apartment complex constructed on the property while it remained in Marion County jurisdiction. On October 29, 2021, Matthew Conser filed and updated application and petition on behalf of the new owner, Cherry Glen Apartments, LLC (James F. Conser, Stuart T. Conser, Gregory J. Conser, Mary Kay Conser, and Matthew J. Conser).

The facts and findings supporting the annexation, zoning designation, and withdrawal from the district can be found in Ordinance No. 15-22 (Attachment 2).

BACKGROUND:

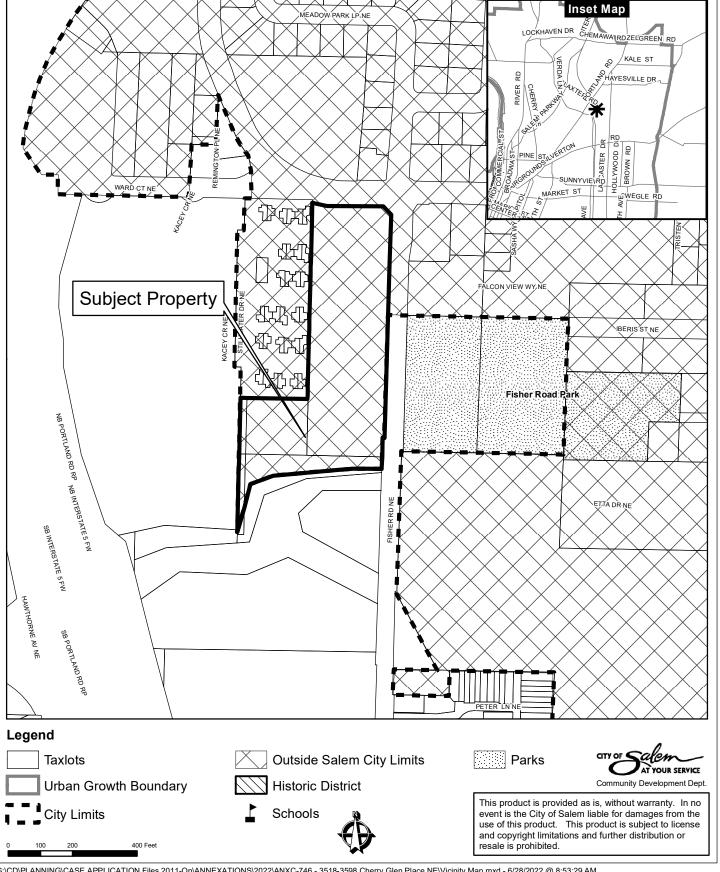
Council held a public hearing on the petition on June 27, 2022. No testimony in opposition to the annexation was received. Council closed the public hearing, conducted deliberations, and adopted Order No. 2022-12 ANX. Staff mailed notice of the adoption of the order on June 30, 2022. No appeal has been filed.

Liz Olmstead Planner III

Attachments:

- 1. Vicinity Map
- 2. Ordinance Bill No. 15-22
- 3. Exhibit A Territory Legal Description and Map

Vicinity Map 3518-3598 Cherry Glen Place NE



1	ORDINANCE BILL NO. 15-22
2	AN ORDINANCE DECLARING CERTAIN TERRITORY LOCATED AT 3518-3598
3	CHERRY GLEN PLACE NE, ANNEXED TO THE CITY OF SALEM, PRESCRIBING
4	ZONING, AND WITHDRAWING THE TERRITORY FROM THE MARION COUNTY FIRE
5	DISTRICT #1, EAST SALEM SEWER AND DRAINAGE DISTRICT
6	The City of Salem ordains as follows:
7	Section 1. Findings.
8	(a) Petition. On October 15, 2020 Matthew J. Conser filed an application for
9	annexation, and on October 29, 2021, Matthew Conser filed an updated application and
10	petition on behalf of the new owner, Cherry Glen Apartments, LLC (James F. Conser,
11	Stuart T. Conser, Gregory J. Conser, Mary Kay Conser, and Matthew J. Conser) for
12	certain real property located at 3518-3598 Cherry Glen Place NE (the Territory), as more
13	particularly described in "Exhibit A," which is attached hereto and incorporated herein by
14	reference.
15	(b) Exemption from Voter Approval. State law (ORS 222.111 to 222.180) was
16	amended in 2016 through Senate Bill 1573 to prohibit cities that have voter approved
17	annexation from submitting an annexation decision to the voters if all of the owners of
18	the property proposed to be annexed have submitted the annexation petition. The law
19	further specifies that in order for the voter approval prohibition to apply, the territory
20	proposed for annexation must be included within an urban growth boundary, subject to an
21	acknowledged comprehensive plan upon annexation, and contiguous to the city limits,
22	and the proposal shall comply with all other requirements of the city's ordinances.
23	
24	The annexation is subject to the requirements of Senate Bill 1573 because all the owners
25	of the property have applied for annexation, and the annexation may not be referred to the
26	voters for approval as set forth below:
27	(1) The territory is within the Salem Urban Growth Boundary (UGB).
28	(2) The territory is currently subject to the acknowledged Salem Area Comprehensive
29	Plan, and will continue to be subject to the Plan upon annexation.
30	(3) The territory is contiguous to the city limits.

24

25

26

27

28

29

30

- (4) The proposal conforms to all other requirements of the city's ordinances.
- (c) Hearing and Decision. The Council held a duly advertised public hearing on June 27, 2022, and received evidence and testimony regarding whether the Petitioner signed a valid triple majority petition for annexation of the Territory; whether the proposed annexation of the Territory was exempt from a vote of the people pursuant to Senate Bill 1573(2016); whether the proposed annexation of the Territory, including the proposed change in the Territory's zone designation from Marion County Multiple Family Residential (RM) to City of Salem Multiple Family Residential II (RM-II) upon annexation, complied with SRC Chapter 260 and the applicable land use and other criteria; and whether the withdrawal of the Territory from the Marion County Fire District #1, and East Salem Sewer and Drainage District (the Districts) upon annexation would be in the best interest of the City. At the conclusion of the public hearing, after due consideration of the evidence and testimony, the Council adopted Order No. 2022-12 ANX as its final decision and findings determining that the proposed annexation is exempt from voter approval because it meets the requirements of Senate Bill 1573(2016); the proposed annexation of the Territory, including land use designations, complies with SRC Chapter 260 and the applicable land use and other criteria; and the withdrawal of the Territory from the Districts would be in the best interest of the City.
- (d) Additional Finding. The Council finds that the Petitioner signed a valid triple majority petition for annexation of the Territory.
- (e) Withdrawal from Special Districts. After due consideration of the evidence and testimony, the City Council finds it is in the best interest of the City to withdraw the Territory from the Marion County Fire District #1, and East Salem Sewer and Drainage District and to provide the Territory with city services because the public good of the City and the citizens residing in the annexed Territory would be best served if the citizens residing in the Territory receive city services without the problems attendant with coordination that would result from the Territory being subject to the jurisdiction of overlapping urban service providers. It would not be in the best interest of the City for the citizens residing in newly annexed Territory to pay both City taxes and an additional assessment to the Marion County Fire District #1 and East Salem Sewer and Drainage

1	District to receive services that may readily be supplied by the City without such
2	additional taxation. Leaving the Territory in the Marion County Fire District #1 and East
3	Salem Sewer and Drainage District would lead to a fragmented approach to delivery of
4	public services, unequal tax bases, and resistance to cooperation. Withdrawal would
5	promote efficiency, economy, and sound management in the provision of urban services
6	for newly annexed Territory, and the Territory should be withdrawn from the Districts.
7	Section 2. Annexation. The Territory described in "Exhibit A" is hereby annexed to the City of
8	Salem, Oregon.
9	Section 3. Land Use Designations. The Territory is designated "Multiple Family Residential"
10	on the Salem Area Comprehensive Plan, and the Plan Map. The zoning for the Territory is
11	prescribed as "Mulitple Family Residential II." The Planning Administrator shall add to the
12	official zoning map the Territory herein annexed.
13	Section 4. Withdrawal. The Territory is hereby withdrawn from the Marion County Fire
14	District #1, and East Salem Sewer and Drainage District, such withdrawal to be effective upon,
15	and contemporaneous with, the date of annexation.
16	Section 5. The City Recorder shall submit a copy of this ordinance and such other information
17	as ORS 222.177 requires to the Oregon Secretary of State, and shall provide the notice and
18	reports required by ORS 222.005(1) and ORS 222.010 to the person or entities described therein.
19	PASSED by the City Council this day of, 2022.
20	ATTEST:
21	
22	
23	City Recorder
24	Approved by City Attorney:
25	
26	Checked by: L. Olmstead
27	
28	
29	
30	

EXHIBIT A 3518-3598 Cherry Glen Place NE

All that real property being described as Tract I and Tract II of that deed recorded November 27, 2019, in Reel 4271, Page 341, Marion County Deed Records, situate in the Northeast One-Quarter of Section 12, Township 7 South, Range 3 West, Willamette Meridian, Marion County, State of Oregon, and being more particularly described as follows:

- Beginning at a point on the east line of said Tract I, said point being an angle point in the common line between said Tract I, the Now existing City Limits Line as described in City Ordinance No. 12-2011 and the west right-of-way of Fisher Road NE, said point also being 30.00 feet westerly of the centerline of said road when measured perpendicular thereto;
- Thence along said common line, South 88°23'06" East, 5.00 feet to and angle point in said common line, said point being 25.00 feet westerly of the centerline of said road when measured perpendicular thereto;
- Thence continuing along said common line, North 01°36'54" East, 386.11 feet to a point of intersection with the westerly extension of the north line of Parcel 3, Partition Plat 96-23 as recorded in Marion County Book of Partition Plats, said point also being an angle point in the Now Existing City Limits line;
- Thence leaving the east line of said Tract I and west right-of-way of Fisher Road NE along the Now Existing City Limits Line being common with the said westerly extension of the north line of said Parcel 3, South 88°49'58" East, 59.00 feet, to a point on the east right-of-way of Fisher Road NE, said point being 34.00 feet easterly of the centerline of said road when measured perpendicular thereto;
- Thence leaving the Now Existing City Limits line along said east right-of-way the following 4 calls:

North 01°36'54" East, 168.65 feet to an angle point in said right-of-way, said point recorded as being 215.36 feet right from centerline station 56+32.54 of Ward Drive NE as described in Reel 3447, Page 356, Marion County Deed Records,

North 08°09'04" East, 70.25 feet to an angle point in said right-of-way, said point recorded as being 145.76 feet right of centerline station 56+41.06 of Ward Drive NE as described in Reel 3447, Page 356, Marion County Deed Records,

North 01°36'43" East, 85.94 feet to an angle point in said right-of-way, said point recorded as being 59.82 feet right of centerline station 56+41.73 of Ward Drive NE as described in Reel 3447, Page 356, Marion County Deed Records,

North 33°23'21" East, 25.79 feet to a point on the south right-of-way of Ward Drive NE recorded as being 38.00 feet right of centerline station 56+55.57 of Ward Drive NE as described in Reel 3447, Page 356, Marion County Deed Records;

Thence perpendicular to said centerline, North 01°10'19" East, 72.00 feet to a point on the north right-of-way of said Ward Drive NE being 34.00 feet northerly of the centerline of said drive when measured perpendicular thereto;

Thence along said north right-of-way, North 88°49'41" West, 7.47 feet to a point on said right-of-way recorded as being 34.00 feet left of centerline station 56+48.00 of Ward Drive NE as described in Reel 3446, Page 436, Marion County Deed Records;

Thence North 87°37'11" West 89.16 feet to a point on the east line of the land described in Exhibit B of Reel 3128, Page 135, Marion County Deed Records, said point recorded as being 35.88 feet left of centerline station 55+58.86 of Ward Drive as described in Reel 3443, Page 208, Marion County Deed Records;

Thence, South 68°23'53" West 7.44 feet to a point on the common line between south line of said Exhibit B and the north right-of-way of Ward Drive NE, said point recorded as being 33.00 feet left of centerline station 55+52.00 of Ward Drive NE as described in Reel 3443, Page 208, Marion County Deed Records;

Thence along the north right-of-way of Ward Drive NE being normal to and 33.00 feet northerly of the centerline of said Ward Drive NE as shown on MCSR 35068, the following two calls:

North 88°49'41" West 129.36 feet to the beginning of a 314.24 foot radius curve to the right,

Thence along said curve 91.98 feet, through a central angle of 16°46'13", to a point of intersection with the northerly extension of a line common to Fairmont Village Condominiums Phase No. 1, as recorded in Volume 36, Page 24, Marion County Book of Town Plats, and said Tract 1, Reel 4271, Page 341;

Thence Southerly along said common line and northerly extension thereof, South 01°27'31" West 696.27 feet to the northeast corner of Parcel 2 of Tract II, Reel 4271, Page 341;

Thence along the common line of said Fairmont Village Condominiums Phase No. 1, and the north line of said Parcel 2 of Tract II, North 88°41'17" West, 210.00 feet to the northwest corner of Parcel 1 of Tract II, also being on the Now Existing City Limits Line as described in City Ordinance No. 11-93;

Thence Southerly along the west line of said Parcel 1 of Tract II, and said Now Existing City Limits Line, South 01°08'57" West, 408.22 feet to a point on the north line of the land described in Reel 1292, Page 740, Marion County Deed Records, and angle point in the Now Existing City Limits Line;

Thence along said north line being coincident with the Now Existing City Limits Line the following 5 calls:

North 15°49'44" East 72.62 feet,

North 14°32'20" East 72.50 feet,

North 69°07'57" East 74.48 feet,

North 84°50'51" East 246.47 feet,

South 89°53'19" East 95.76 feet, to a point on the west right-of-way of Fisher Road NE said point being 30.00 feet westerly of the centerline of said Road when measured perpendicular thereto, and angle point in the Now Existing City Limits Line;

Thence along said right-of-way being coincident with the Now Existing City Limits Line, North 01°36'54" East 89.74 feet to the Point of Beginning.

The above-described property contains 5.78 acres of land outside and 1.09 acres within the existing right-of-way of Fisher Road NE and Ward Drive NE, more or less.

The Basis of Bearing for this description is South 88°49'41" East along the centerline of Ward Drive NE as depicted on Marion County Survey Record 38484.

Said property is shown on the attached Exhibit Map and by this reference made a part thereof.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON DECEMBER 03, 2014 PAUL M. KOWALCZYK 79315

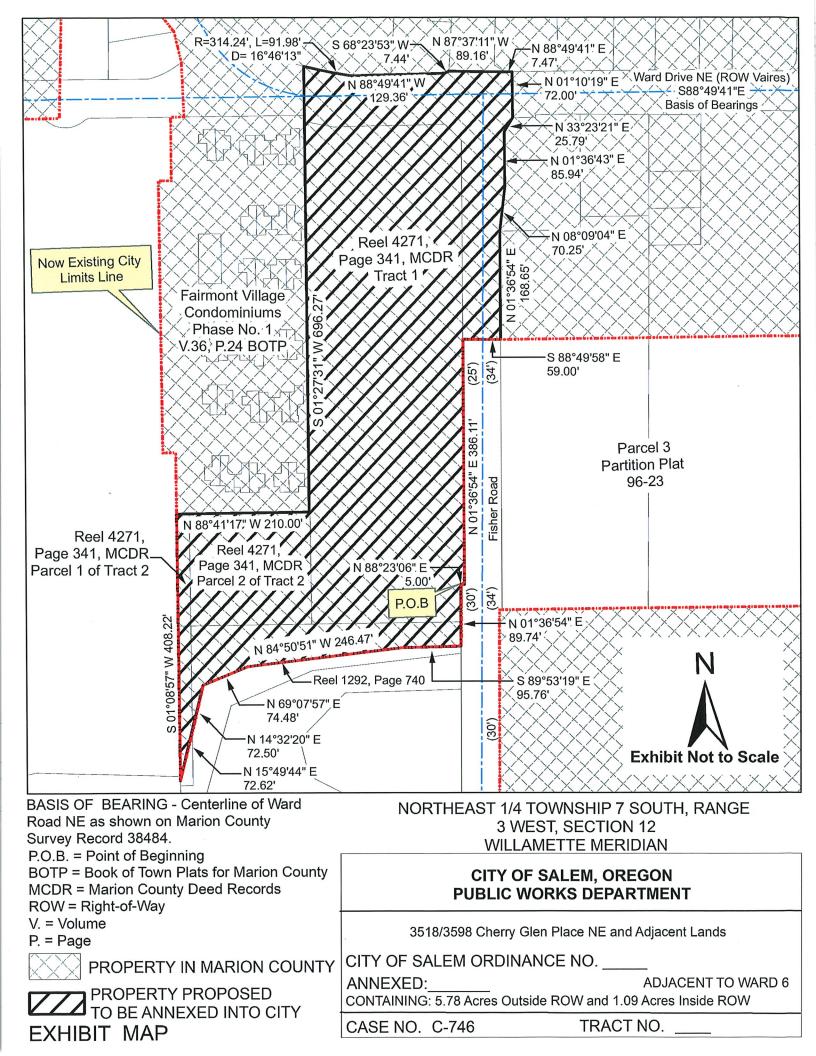
RENEWS: JUNE 30, 2023

Approved: Approved:

Date: May 5, 2022
Annexation No.: C-746

DOR No.: 24-P277-2022

DOR Date: May 4, 2022



Page Break

CITY OF SALEM



Staff Report

File #: 22-358

Version: 1

Date: 8/8/2022

Item #: a.

Due to COVID-19, and until further notice, all meetings, public hearings, and work sessions will be conducted virtually. Real-time remote viewing is available online at CC:Media YouTube Channel and can also be viewed on Comcast Cable CC:Media Channel 21.

CITY COUNCIL PUBLIC HEARINGS:

Proposed Solid Waste Collection Service Rates Monday, August 22, 2022 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS:

URBAN RENEWAL AGENCY PUBLIC HEARINGS:

WORK SESSIONS:

Proposed Community Infrastructure Bond Projects and Timing Monday, August 15, 2022 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor North Lancaster (NOLA), September 7, 2022, Councilor Hoy Northgate, September 15, 2022, Councilor Gonzalez