

TO: Aaron Panko, Planner III
Community Planning and Development Department

FROM: Laurel Christian, Infrastructure Planner III
Community Planning and Development Department



DATE: July 3, 2024

SUBJECT: Infrastructure Memo
SUB-ADJ24-04 (24-108034-PLN)
1800 Park Avenue NE
6-lot Subdivision

PROPOSAL

A Subdivision Tentative Plan to divide approximately 0.82 acres into a total of six lots ranging in size from 4,006 square feet to 6,696 square feet in size, and a Class 2 Adjustment to increase the maximum percentage of flag lots allowed in a subdivision from 15% per SRC 800.025(e), to 66%. The applicant is requesting alternative street standards to the street spacing and connectivity requirements along Park Avenue NE to not provide a new mid-block east-west street connection. The subject property is approximately 0.82 acres in size, zoned RS (Single Family Residential), and located at the 1800 Block of Park Avenue NE - 97301 (Marion County Assessor's Map and Tax Lot numbers: 073W24BA / 08000 and 08100).

RECOMMENDED CONDITIONS APPROVAL

The following conditions of approval shall be completed prior to final plat approval or shown on the final plat:

1. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
2. Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side Park Avenue NE.
3. Dedicate a 10-foot public utility easement along the street frontage of Park Avenue NE.

The following conditions of approval shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B):

4. Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall reconstruct the driveway approach serving the existing dwelling on lot 6 to meet current PWDS and minimum width standards established in SRC Chapter 804.
5. Obtain permits for installation of water services to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
6. Construct sewer services in the public right-of-way to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
7. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
8. Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).
9. Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Park Avenue NE as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The half-street improvement shall include a 17-foot travel lane; curb; a six-foot planter strip; a five-foot property line sidewalk; and streetlights.
10. Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), install street trees to the maximum extent feasible along Park Avenue NE. The required street trees shall be planted in conjunction with the required half-street improvement.

FACTS AND FINDINGS

Streets

1. Park Avenue NE
 - a. Standard—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. Existing Condition—This street has an approximate 28-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

Water

1. Existing Conditions

- a. The subject property is located within the G-0 water service level.
- b. A 6-inch water main is located in Park Avenue NE.
- c. A 12-inch water transmission main is located in Park Avenue NE.

Sanitary Sewer

1. Existing Conditions

- a. A 30-inch sanitary sewer transmission main is located in Park Avenue NE.

Storm Drainage

1. Existing Conditions

- a. There are no public stormwater mains in the vicinity of the property.

Parks

The proposed development is served by Englewood Park approximately one-half-mile southwest of the subject property.

CRITERIA AND FINDINGS – SUBDIVISION TENTATIVE PLAN

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

SRC 205.010(d)(1)—The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code (UDC), including, but not limited to the following:

- 1. Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;**
- 2. City infrastructure standards; and**
- 3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

Findings— With completion of the conditions above, the subject property meets all

applicable standards of the following chapters of the Unified Development Code (UDC): 200 – Urban Growth Management; 601 – Floodplain Development; 802 – Public Improvements; 803 - Street and Right-of-way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; 810 – Landslide Hazards.

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area. The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

SRC Chapter 205.035 (Final Plat): The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the Oregon Revised Statutes (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and Oregon Administrative Rules 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC Chapter 601 (Floodplain): 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 804 (Driveway Approach Development Standards): The applicants preliminary plans show a driveway approach serving proposed lot 6 which does not meet SRC Chapter 804 for width or the PWDS for surfacing material. Specifically, the paved approach is shown to be less than 10-feet with additional gravel shoulders on each side. PWDS Plans for driveway approaches requires a hard surface approach. As a condition of approval, the applicant shall reconstruct the driveway approach serving lot 6 to meet the PWDS and minimum width standards established in SRC Chapter 804.

Condition: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall reconstruct the driveway approach serving the existing dwelling on lot 6 to meet current PWDS and minimum width standards established in SRC Chapter 804.

SRC 805 (Vision Clearance): The proposal does not cause a vision clearance obstruction per SRC Chapter 805. One existing structure is located on the subject property and the structure meets the vision clearance standards established in SRC Chapter 805.

SRC Chapter 809 (Wetlands): According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

SRC Chapter 810 (Landslide Hazards): 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 205.010(d)(3)—Development within the tentative subdivision plan can be adequately served by City infrastructure.

Findings—Public water and sanitary 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 tentative plan. Private water and sanitary sewer services shall be constructed to serve each lot. 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). All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

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

Condition: Obtain permits for installation of water services to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

Condition: Construct sewer services in the public right-of-way to serve all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

Stormwater Management – The subdivision is subject to the requirements in SRC Chapter 71 and the PWDS relating to green stormwater infrastructure for treatment and detention of stormwater generated by the proposed subdivision. The applicant submitted a preliminary stormwater management report which demonstrates the use of green stormwater infrastructure to the maximum extent feasible. There are no public stormwater mains in the vicinity of the subject property. As such, the applicant submitted a preliminary stormwater design that demonstrates the system is proposed to detain and infiltrate stormwater onsite. Prior to final plat approval, the applicant shall submit a tentative stormwater design to demonstrate the proposed parcels can meet the PWDS. 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. In addition, the applicant shall construct the proposed stormwater facilities pursuant to SRC Chapter 71 and the PWDS to accommodate the new impervious surfaces on the subject property.

Condition: Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

Condition: Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B).

SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the Salem TSP. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding- Park Avenue NE abuts the subject property and is classified as a local street according to the Salem TSP. Park Avenue NE does not meet the minimum right-of-way width or improvement width standards for a local street according to the Salem TSP or Chapter SRC 803. The TSP identifies Park Avenue NE as part of the “on-street bike network”. Therefore, Park Avenue NE will have an overall improvement width of 34-feet to accommodate the on-street bike lanes and a 17-foot half-street width improvement abutting the subject property. The overall improvement width will include two 11-foot vehicle travel lanes and two 6-foot bike lanes. Pursuant to SRC 803.035(m), the applicant shall provide additional pavement widening for the bicycle facility identified in the Salem TSP as part of the required half-street improvement. Along the property frontage, the applicant shall construct a 17-foot-wide half-street improvement and dedicate a 30-foot half-width right-of-way. The half-street improvement will include a 17-foot travel lane; curbs; a 6-foot planter strip; and 5-foot property line sidewalk.

Condition: Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side Park Avenue NE.

Condition: Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a half-street improvement along the frontage of Park Avenue NE as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The half-street improvement shall include a 17-foot travel lane; curb; a six-foot planter strip; a five-foot property line sidewalk; and streetlights.

The applicant’s site plan shows no new internal streets to be constructed within the subdivision and requests an Alternative Street Standard for block length along Park Avenue NE. Pursuant to SRC 803.030(a), the maximum block length is 600-feet. Park Avenue NE has a block length of approximately 1,500-feet. Due to the surrounding development and infill nature of the proposal, there is not adequate room for a street through the development site. Pursuant to SRC 803.065(a)(1), an Alternative Street Standard is granted to allow Park Avenue NE to retain its existing block length and the development is not required to dedicate a public street through the subject property.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. As part of the required boundary street improvements, a planter strip will be constructed along Park Avenue NE. As such,

as a condition of approval, the applicant shall provide street trees along Park Avenue NE. The street trees will be planted in conjunction with the required boundary street improvement.

Condition: Prior to final plat or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), install street trees to the maximum extent feasible along Park Avenue NE. The required street trees shall be planted in conjunction with the required half-street improvement.

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

Condition: Dedicate a 10-foot public utility easement along the street frontage of all internal streets and Park Avenue NE.

SRC 205.010(d)(6)—The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Findings—The subject property is served by Engelwood Park, which is a developed park site located southwest of, and within a half-mile of, the subject property. Access to the park is available through the existing transportation system, which is underimproved for pedestrian and bike access in the area; however, provides vehicle transportation to the park. As described in the conditions of approval, pedestrian and bicycle improvements are required along the frontage of the development; however, are not required to be provided off-site based on the clear and objective standards in *SRC Chapter 803- Street and Right-of-way Improvements*. The proposal involves a 6-lot subdivision and does not require a Traffic Impact Analysis or Urban Growth Preliminary Declaration which would evaluate off-site improvements for the development; therefore, no additional off-site improvements are required.

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

Findings—The proposed 6-lot subdivision generates less than 200 average daily vehicle trips to the local street system. Therefore, a TIA is not required as part of the proposed subdivision submittal.

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

Findings - The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

RESPONSE TO PUBLIC COMMENTS

1. **Park Avenue NE Condition:** Comments received express concerns for the underimproved condition of Park Avenue NE and the request for Alternative Street Standards for the proposed subdivision.

Staff Response: Park Avenue NE abutting the subject property does not currently meet the minimum improvement standards for a local street according to SRC Chapter 803 and the Salem TSP. As identified in the conditions of approval, the applicant is required to construct a half-street improvement along Park Avenue NE which will include pavement widening, curbs, sidewalks, and streetlights along the property frontage. The proposal is for a 6-lot subdivision; the scope of the proposal does not warrant off-site improvements to Park Avenue NE.

Comments also express concerns for the request for Alternative Street Standards. As described in the written findings, Park Avenue NE has a block length that exceeds the maximum allowed under SRC Chapter 803. An Alternative Street Standard is approved in order to not require a public street to be stubbed through the property to the west. Due to the in-fill nature of the subdivision, there would not be adequate space to provide 6 lots and a public street through the site. Staff finds that the approval criteria for an Alternative Street Standard to street spacing and connectivity requirements have been met. No Alternative Street Standards have been requested for the improvement width of Park Avenue NE.

2. **Stormwater Management:** Comments received express concerns for how stormwater runoff from the site will be managed. Comments received also express concerns for the construction and continued maintenance of the rain garden which is required to manage stormwater. Comments received also expressed concerns for safety around the rain garden.

Staff Response: All subdivisions are required to meet stormwater standards established in SRC Chapter 71 – Stormwater and the PWDS Appendix 004 – Stormwater System. As part of the required submittal items, the applicant has provided a preliminary stormwater management report that demonstrates the proposal utilizes green stormwater infrastructure to the maximum extent feasible. As identified in the conditions of approval, the applicant is required to provide a final stormwater report that demonstrates the proposal for stormwater management is in general compliance with the stormwater management standards.

The applicant's preliminary stormwater management report demonstrates the facility is proposed to detain stormwater and then dispose of all stormwater through infiltration. The proposed rain garden does not discharge back into the City's system as no public mains are available in Park Avenue NE. The stormwater code and design standards prioritize detention of water and infiltration when feasible to control

runoff. The applicant's geotechnical investigation, included within the preliminary stormwater management report, generally supports this, although additional testing is required with the final stormwater report to confirm depth of groundwater. The subdivision will be conditioned to comply with SRC Chapter 71 and the PWDS to ensure the final constructed facility meets the City's standards.

The proposed rain garden will be a privately owned and maintained stormwater facility. The PWDS require a Private Stormwater Facility Maintenance Agreement to be recorded against the property, so the collective property owners would be required to ensure continued maintenance of the facility (PWDS - Section 4.2(s)).

In terms of the concerns for safety around the proposed rain garden, the rain garden will be located on private property and will not be accessible to the general public from the public right-of-way. According to the preliminary grading & drainage plan, the top of the rain garden is at the 195-foot elevation and the bottom is at 192.46-feet, the rain garden will be approximately 3-feet in depth and will be vegetated. The slope to the bottom of the pond is a gradual 30-percent slope from the top of the pond to the bottom of the pond. The PWDS do not require fencing around private stormwater facilities. However, there are Building and Safety standards for fall protections in certain circumstances. The Building & Safety Division has indicated that because there are no structures or walking paths adjacent to the proposed rain garden that no fall protection would be required.

Prepared by: Laurel Christian, Infrastructure Planner III
cc: File