


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

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

DATE: August 1, 2024

SUBJECT: **Infrastructure Memo**
PAR-SPR-ADJ-DAP-TRV-PLA24-08 (24-123424-PLN)
2561 Center Street NE
120-unit Multi-Family Development

PROPOSAL

A tentative partition to divide the subject property into two parcels, Class 3 Site Plan Review for the development of a new 120-unit multi-family residential development, Class 2 Driveway Approach Permits for two new driveway approaches, a Property Line Adjustment to relocate the common property line between proposed Parcel 2 and Taxlot 03900, a Tree Variance to allow encroachment greater than 30 percent into the critical root zones for five trees dedicated for preservation, and Class 2 Adjustments.

The subject property is approximately 10.1 acres in size, zoned MU-I (Mixed Use-I) and CO (Commercial Office), and located at 2561 Center Street NE 97301 (Marion County Assessors map and tax lot numbers: 073W24CC / 03900 and 04000).

RECOMMENDED CONDITIONS OF APPROVAL – SITE PLAN REVIEW

1. Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
2. 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).
3. Dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements). The existing easements may be vacated or quitclaimed, as applicable, upon dedication of new easements.
4. Convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Center Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

5. Along Center Street NE, reconstruct sidewalks at the new property line location after right-of-way dedication.
6. Along 23rd Street NE, construct a 5-foot-wide sidewalk separated from 23rd Street NE by a minimum 8-foot-wide planter strip and dedicate a public access easement, or dedicate right-of-way, for the required sidewalk.
7. At the driveway entrance to 23rd Street NE, directly across B Street NE, construct receiving curb ramps on the development site of the street in accordance with *Public Work Design Standards*.
8. Construct a 10-foot-wide shared use path from the southern segment of Medical Center Drive NE through the site to the northern segment of Medical Center Drive NE and to 23rd Street NE as shown on the applicant's preliminary site plan and dedicate a public access easement for the path.
9. Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Center Street NE and 23rd Street NE.
10. Prior to issuance of building permits, obtain street tree removal permits pursuant to SRC Chapter 86.

RECOMMENDED CONDITIONS OF APPROVAL – PARTITION

1. At time of development on each parcel, submit a tentative stormwater design to serve all proposed parcels in compliance with Public Works Design Standards and SRC Chapter 71.
2. Prior to final plat, provide a preliminary utility plan for Proposed Parcel 2 that demonstrates how the parcel will be provided individual services.
3. At time of development on each parcel, construct water, sewer, and stormwater services to serve the development proposed in accordance with the Public Works Design Standards.
4. Prior to final plat, all necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.
5. Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements). The existing easements may be vacated or quitclaimed, as applicable, upon dedicate of new easements.
6. Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontages of Center Street NE, 23rd Street NE, and D Street NE on the final plat. The

public utility easement may be reduced to three (3) feet at the intersection of Center Street NE and 23rd Street NE.

EXISTING CONDITIONS – INFRASTRUCTURE

The existing conditions of streets abutting the subject property are described in the following table:

Streets			
Street Name		Right-of-way Width	Improvement Width
Center Street NE (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	78-feet	46-feet
23rd Street NE (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	64-feet	36-feet
D Street NE (Minor Arterial)	Standard:	72-feet	46-feet
	Existing Condition:	66-feet	36-feet
Grear Street NE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	60-feet	34-feet
Medical Center Drive NE (Local, Private)	Standard:	60-feet	30-feet
	Existing Condition:	N/A - Private	20-to-34-feet
Franzen Street SE (Local, Private)	Standard:	60-feet	30-feet
	Existing Condition:	N/A – Private	24-feet

The existing conditions of public infrastructure available to serve the subject property are described in the following table:

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level: G-0
	A 24-inch water main is located in Center Street NE.
	A 24-inch water main is located in 23 rd Street NE
	A 24-inch water main is located in D Street NE.
	A 6-inch water main is located in Grear Street NE.
	A 24-inch public water main is located on the subject property in an easement.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Center Street NE.
	An 8-inch sanitary sewer main is located in 23 rd Street NE.
	An 8-inch sanitary sewer main is located in D Street NE.
	An 8-inch sanitary sewer main is located in Grear Street NE.
Storm Drainage	A 12-inch storm main is located in Center Street NE.

	A 15-inch and an 18-inch public storm main is located on the subject property in an easement.
Parks	The proposed development is served by D Street Park located across from the subject property on 23 rd Street NE.

SITE PLAN REVIEW DECISION CRITERIA

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 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

Finding— As proposed and conditioned in the findings within the memo, the development meets all the applicable standards in the UDC as follows:

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.

Finding: The subject property is located outside of the Urban Service Area. However, the proposed development does not precede construction of required facilities, and therefore, no Urban Growth Area Preliminary Declaration is required.

SRC Chapter 200.050(d) - Acquisition of property, easements, and right-of-way:

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

Finding: As described in the analysis of SRC Chapter 803 below, right-of-way dedication is required along Center Street NE and easements required for public access and utilities on the site. There are existing easements for franchise utilities on the subject property which may conflict with required easements and dedications. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.005(d).

Condition: Required right-of-way dedications and required easements shall be *free and clear of encumbrances and liens unless an adjustment to SRC 200.005(d) is approved.*

SRC Chapter 71 – Stormwater:

The proposed development is subject to SRC Chapter 71 and the revised Public Works

Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: The applicant submitted a stormwater management basin map that demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. At time of building permit, the applicant shall be required to submit a Stormwater Management Report that describes the proposed stormwater system and demonstrates how the proposed system complies with SRC Chapter 71 and PWDS Appendix 4E relating to green stormwater infrastructure. As a condition of approval, the applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

Condition: 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 802 – Public Improvements:

▪ ***Development to be served by City utilities:***

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 (PWDS).

Finding: Public water, sanitary sewer, and stormwater 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 utility plan. 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. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

The proposed development conforms to the public improvement standards of SRC Chapter 802.

▪ ***Easements:***

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: There is an existing 24-inch public water main, 15-inch public storm drain main, and an 18-inch public storm drain main on the subject property. Each of the existing public mains are located within easements that do not meet current Public Works Design Standards for required width. As a condition of approval, the applicant shall dedicate easements for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements).

There also appear to be existing easements for public infrastructure which are not utilized. The existing easements which are inadequate and the existing easements which are not utilized shall be quitclaimed or vacated, as applicable.

Condition: Dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8 (Easements)*. The existing easements may be vacated or quitclaimed, as applicable, upon dedicate of new easements.

SRC 803 – Street and Right-of-way Improvements

▪ *Boundary Street Improvements and Street Standards*

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for certain development. SRC Chapter 803 describes street standards that boundary street improvements must be constructed to.

Finding: The subject property abuts Commercial Street SE, 23rd Street NE, D Street NE, Gear Street NE, and Medical Center Drive NE. The following analysis describes what improvements are required along the boundary streets of the property:

Center Street NE – The subject property abuts Center Street NE along the southern property boundary. Center Street NE is classified as a major arterial according to the Salem Transportation System Plan (TSP); however, the Salem TSP identifies this street will be constructed to an interim minor arterial standard. Center Street NE has adequate improvement width to meet an interim minor arterial standard; however, has inadequate right-of-way width. As a condition of approval, the applicant shall dedicate the ultimate major arterial half-width right-of-way along the property frontage, including a 30-foot radius right-of-way dedication at the intersection of Center Street NE and 23rd Street NE in accordance with the *Public Works Design Standards*. In addition, the applicant shall relocate the existing curb line sidewalks along Center Street NE to the new property line in order to comply with SRC 803.035(l)(2)(A) relating to sidewalk location.

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

Condition: Along Center Street NE, reconstruct sidewalks at the new property line location after right-of-way dedication.

23rd Street NE – The subject property abuts 23rd Street NE along the eastern property boundary. 23rd Street NE is classified as a collector street according to the Salem TSP. 23rd Street NE has adequate right-of-way width and adequate pavement improvement

width according to the standards established in SRC 803.025. However, 23rd Street NE lacks sidewalks and planter strips for street trees along the property frontage. The existing right-of-way width cannot accommodate the required sidewalks and planter strips; however, the applicant proposed to dedicate a public access easement over the required sidewalk in order to accommodate pedestrian access along the property frontage. This will allow construction of an 8-foot planter strip for street trees and a 5-foot sidewalk to accommodate public access, meeting the requirements for street improvements in SRC 803.035. As a condition of approval, the applicant shall construct a 5-foot-wide sidewalk and 8-foot planter strip along 23rd Street NE and dedicate a public access easement over the sidewalk. In addition, as part of the sidewalk construction along 23rd Street NE, the applicant shall construct receiving curb ramps on the development site of the street for the crossings at the intersection of B Street NE and 23rd Street N.

Condition: Along 23rd Street NE, construct a 5-foot-wide sidewalk separated from 23rd Street NE by a minimum 8-foot-wide planter strip and dedicate a public access easement, or dedicate right-of-way, for the required sidewalk.

Condition: At the intersection of B Street NE and construct receiving curb ramps on the development site of the street in accordance with *Public Work Design Standards*.

D Street NE – The subject property has approximately 30-feet of frontage on D Street NE where Medical Center Drive NE (private) intersects with D Street NE along the northern property boundary. D Street NE abutting the subject property has inadequate overall right-of-way width and improvement width. The applicants preliminary plan shows there is an existing 36-foot wide half-width right-of-way abutting the subject property; therefore, additional right-of-way dedication is not warranted per SRC 803.040. As the property only has frontage along D Street NE where the property intersects with Medical Center Drive NE (private) and D Street NE, frontage improvements along D Street NE are not warranted.

Grear Street NE – The subject property abuts Grear Street along the western property boundary. Grear Street NE terminates along the western property boundary and creates a “T-intersection” with Medical Center Drive NE, which is a private local street. Grear Street NE abutting the property meets the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, additional improvements along Grear Street NE are not required.

Medical Center Drive NE (Private) – Medical Center Drive NE is an existing private local street located on the subject property in an easement. Medical Center Drive NE extends north from Center Street NE to Grear Street NE and then terminates at the southern internal drive aisle to the development. Medical Center Drive NE also extends south from D Street NE and then terminates at the northern internal drive aisle of the development. Medical Center Drive NE does not completely extend through the development site. Pursuant to SRC 803.020(b)(2) private streets shall conform to public street standards established in SRC Chapter 803 and the Public Works Design

Standards. The existing condition of Medical Center Drive NE does not meet block spacing and connectivity standards (SRC 803.035(a)). In lieu of constructing a street through the subject property, the applicant proposes to construct a 10-foot-wide shared use path that connects the southern and northern segments of Medical Center Drive NE as well as provides connection to 23rd Street NE and requests an Alternative Street Standard pursuant to SRC 803.065. The subject property has multiple site constraints including easements for public infrastructure and significant trees. As such, it would not be feasible to construct a public or private street through the subject property. An Alternative Street Standard for block spacing and connectivity if approved pursuant to SRC 803.065(a)(1). As a condition of approval, the applicant shall construct a 10-foot-wide shared use path through the subject property that provides connectivity from the southern and northern segments of Medical Center Drive NE and to 23rd Street NE. The applicant shall dedicate a public access easement for the required path.

Condition: Construct a 10-foot-wide shared use path from the southern segment of Medical Center Drive NE through the site to the northern segment of Medical Center Drive NE and to 23rd Street NE as shown on the applicant's preliminary site plan and dedicate a public access easement for the path.

▪ ***Street Trees***

Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible.

Finding: Conditions of approval require the applicant to provide a minimum 8-foot planter strip along 23rd Street NE to accommodate street trees. With relocation of the sidewalk along Center Street NE, there will also be room for additional street trees. As a condition of approval, the applicant shall install street trees to the maximum extent feasible along 23rd Street NE and Center Street NE. Along Medical Center Drive NE, Gear Street NE, and D Street NE, there is not room for additional street trees along the property frontage.

Condition: Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along Center Street NE and 23rd Street NE.

The applicant proposes removal of existing street trees along 23rd Street NE to accommodate a required sidewalk. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86. The street tree removal permit shall be obtained prior to issuance of building permits that would necessitate removal of the trees.

Condition: Prior to issuance of building permits, obtain street tree removal permits pursuant to SRC Chapter 86.

SRC Chapter 804 – Driveway Approaches:

SRC 804 establishes development standards for driveway approaches providing access

from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: The applicant proposes two new driveway approaches onto 23rd Street NE and has applied for a Class 2 Driveway Approach Permit; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway approach permit, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

SRC Chapter 805 – Vision Clearance:

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Finding: The applicant's preliminary site plan shows vision clearance areas at all street intersections and driveway approaches. The proposal does not cause a vision clearance obstruction per SRC Chapter 805 and meets the vision clearance standards established in SRC Chapter 805.

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: Floodplain Administrator 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 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.

Finding: 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: The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a multi-family development adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers and dated March 2, 2023, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing recommendations within the report.

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— Access to the proposed development will be provided by the network of existing public streets that surround the property. As conditioned, the required improvements will ensure that the street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

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 proposal includes two new driveway approaches onto 23rd Street NE. Additionally, access will be provided through existing access points onto Medical Center Drive NE, which is a private street. The proposed driveway accesses provide for safe turning movements into and out of the property and modifications are not warranted per SRC Chapter 804 (Driveway Approaches).

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 Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed development, subject to the conditions of approval. This approval criterion is met.

CLASS 2 DRIVEWAY APPROACH PERMIT DECISION CRITERIA

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit 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.

The applicant proposes two new driveway approaches onto 23rd Street NE that are subject to Class 2 Driveway Approach Permits.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveway approaches meet the standards for SRC Chapter 804 and Public Works Design Standards (PWDS). This criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: Development Services has reviewed the proposal and determined that no site conditions existing prohibiting the location of the proposed driveway. This criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The two new driveway approaches will be located on 23rd Street NE, which is classified as a collector street. The site abuts Center Street NE and D Street ne which are classified as arterial streets. No new access is proposed onto the arterial streets abutting the property. Access to the arterial streets abutting the property will be provided through an existing private street. This criterion is met.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

(B) Takes access from the lowest classification of street abutting the property

Finding: The subject property abuts 23rd Street NE, which is classified as a collector street, and Center Street NE and D Street NE which are classified as arterial streets. The proposed driveway approaches are onto 23rd Street NE, which provides access to the lowest classification of public street abutting the subject property. Medical Center Drive provides secondary access to the site through the existing approaches to the private street. This criterion is met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The applicant's preliminary site plan shows vision clearance triangles at the proposed driveway approaches onto 23rd Street NE. The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805. This criterion is met.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, Development Services analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: Development Services' analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The property abuts a collector street (23rd Street NE) and two arterial streets (Center Street NE and D Street NE). The applicant is proposing a driveway to the lower classification of public street and it meets the spacing requirements of SRC Chapter 803. By complying with the requirements of this chapter the applicant has minimized impacts to the functionality of adjacent streets and intersections. This criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding— The proposed driveway approaches onto 23rd Street NE will abut public and mixed-use zones and is separated from residential zoning by adjacent rights-of-way. The proposed driveway is taken from the lowest classification of public street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

PARTITION DECISION CRITERIA

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 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 205 – Land Division and Reconfiguration

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. 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.

Finding: 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).

(B) City infrastructure standards

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain 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. A summary of the existing and required City infrastructure improvements are as follows:

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.

Finding: As described in the "Site Plan Review Decision Criteria" section of this memorandum, no Urban Growth Preliminary Declaration is required.

SRC Chapter 71 – Stormwater

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design at time of development on each parcel. 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 stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the partition. As described in the “Site Plan Review Decision Criteria” section of this memorandum, the applicant has provided a preliminary stormwater system for proposed Parcel 1. At time of development on proposed parcel 2, a preliminary stormwater design shall be provided that demonstrates compliance with SRC Chapter 71 and the Public Works Design Standards relating to Stormwater Management.

Condition: At time of development on each parcel, submit a tentative stormwater design to serve all proposed parcels in compliance with Public Works Design Standards and SRC Chapter 71.

SRC 802 – Public Improvements

▪ *Development to be served by City utilities:*

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 (PWDS).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property. As described in the “Site Plan Review Decision Criteria” section of this memorandum, proposed Parcel 1 will be served with utilities at time of development for the proposed multi-family development. Proposed Parcel 2 does not have frontage on a public street, as such, in order to ensure proposed Parcel 2 can be served by public utilities, the applicant shall provide a preliminary utility plan for proposed Parcel 2 prior to final plat and easements needed to serve Proposed Parcel 2 through Proposed Parcel 1 shall be shown on the final plat. Services for proposed Parcel 2 shall be constructed at time of development to ensure appropriate sizing. In order to ensure the parcels are served by public utilities, the following conditions apply:

Condition: Prior to final plat, provide a preliminary utility plan for Proposed Parcel 2 that demonstrates how the lot will be provided individual services.

Condition: At time of development on each parcel, construct water, sewer, and stormwater services to serve the development proposed in accordance with the Public Works Design Standards.

▪ *Easements:*

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: As described above, proposed Parcel 2 does not have frontage on a public

street. As such, access and utility easements are required to independently serve proposed Parcel 2. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition: Prior to final plat, all necessary (existing and proposed) access and utility easements, as needed to serve each parcel, must be shown and recorded on the final plat.

There is an existing 24-inch public water main, 15-inch public storm drain main, and an 18-inch public storm drain main on the subject property. Each of the existing public mains are located within easements that do not meet current Public Works Design Standards for required width. As a condition of plat approval, the applicant shall dedicate easements for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements). There also appear to be existing easements for public infrastructure which are not utilized. The existing easements which are inadequate and the existing easements which are not utilized shall be quitclaimed or vacated, as applicable.

Condition: Prior to final plat, dedicate easements for existing public utility mains on the site to current standards in *Public Works Design Standards Section 1.8* (Easements). The existing easements may be vacated or quitclaimed, as applicable, upon dedicate of new easements.

As conditioned, the proposal meets the requirements of SRC Chapter 802.

SRC 803 – Street and Right-of-way Improvements

▪ Boundary Street Improvements

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for partition applications.

Finding: The intent of the proposed partition is to create two (2) parcels for future multi-family development. As described in the “Site Plan Review Decision Criteria” section of this memorandum, boundary street improvements and right-of-way dedications have been required as a condition of approval for the proposed multi-family development on proposed Parcel 1. Proposed parcel 2 does not have frontage on a public street which would require right-of-way dedications or boundary street improvements. The required right-of-way dedications shall be shown on the final plat.

▪ Public Utility Easements

SRC 803.035(n) requires dedication of up to a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

Finding: As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Center Street NE, 23rd Street NE, and D Street NE. As shown on the applicants site plan for the multi-family development application consolidated with the partition, the building at the intersection of Center Street NE and 23rd Street NE will conflict with a 10-foot PUE. Pursuant to SRC 803.035(n), the PUE shall be 10-feet unless decreased in width as approved by the Director. In order to avoid the proposed building conflicting with the required PUE, the PUE may be reduced to three (3) feet at the intersection of Center Street NE and 23rd Street NE.

Condition: Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontages of Center Street NE, 23rd Street NE, and D Street NE on the final plat. The public utility easement may be reduced to three (3) feet at the intersection of Center Street NE and 23rd Street NE.

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

Findings—As described in the “Site Plan Review Decision Criteria” section of this memorandum, the proposal complies with all special development standards, including floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

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

Findings— The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

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 the findings above, the subject property is located adjacent to Center Street NE (major arterial); D Street NE (minor arterial); and 23rd Street NE (collector) The conditions of approval established with the Site Plan Review and Partition decision will require improvements to the boundary streets of the property which conform to the Salem Transportation System Plan. This criterion is met.

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: Access to the proposed partition will be provided by the network of existing public streets that surround the property. As conditioned, the required improvements will ensure that the street system in and adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This criterion is met.

SRC 205.005(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 five acres in size and, except for flag lots, have no dimension that is less than 100 feet.**

Finding: The site is served by available public water and sewer; therefore, this criterion is not applicable.

SRC 205.040—For partitions of residentially zoned property, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition.

Finding—The subject property is located in a mixed-use zone, this criterion is not applicable.

RESPONSE TO PUBLIC COMMENTS

- 1. Trees along 23rd Street NE:** Comments received express concerns for impacts to trees on the subject property and for the removal of trees along 23rd Street NE.

Staff Response: There are existing trees along 23rd Street NE that are located within the public right-of-way and considered city-owned street trees. Some of the trees along 23rd Street SE will require removal in order to accommodate a sidewalk on the development side of the street, where none currently exists. As listed in the conditions of approval, the applicant is required to provide an 8-foot planter strip between 23rd Street NE and the required 5-foot sidewalk. Even with the 8-foot planter strip, many of the trees will conflict with construction for the required 5-foot sidewalk. Urban street standards require sidewalks to accommodate safe pedestrian access along streets. As described in the conditions of approval, the applicant will be required to replant trees along 23rd Street NE where they are removed to accommodate the required sidewalk.

- 2. Increased Traffic and Traffic Impact Analysis:** Comments received express

concerns for the additional traffic impacts the proposal will have on existing streets within the vicinity of the project and question why a Traffic Impact Analysis was not completed for the project.

Staff Response: With all new development, there will be an increase in traffic to the system. Through the land use review process, staff identifies areas that are deficient and identifies conditions of approval to address improvements to the transportation system. As identified in the findings, the streets abutting the property meet the standards for their classifications according to the Salem Transportation System Plan and SRC Chapter 803. As such, boundary street improvements are not required as a condition of the development. However, streetscape improvements including sidewalks will be provided along all street frontages to ensure safe pedestrian access along the existing streets.

Off-site improvements are typically only required when a Traffic Impact Analysis identifies deficiencies in the system caused by the proposed development. The development is surrounded by a network of collector and arterial streets. Pursuant to SRC 803.015, the proposed development does not require a Traffic Impact Analysis as the proposal does not generate 1,000 new average daily trips onto a collector or arterial street. As such, no off-site improvements are required as a condition of development.

3. **Pedestrian Crossing Improvements:** Comments received request conditions be placed on the development that provide pedestrian crossings along D Street NE, Center Street NE, and 23rd Street NE.

Staff Response: As described above, no Traffic Impact Analysis (TIA) is required for the proposed development that would evaluate off-site pedestrian improvements. There are no clear and objective standards in SRC Chapter 803 that require construction of pedestrian crossings as a condition of approval. As described in the conditions of approval, at the intersection of B Street and the new driveway approach, the applicant will provide curb ramps at driveway approaches that accommodate pedestrian crossings, but will not provide marked cross walks.

The City acknowledges the importance of safer pedestrian crossings in the area. At the July 8th Salem City Council meeting, the Council voted to direct Staff to use Affordable Housing Bond funds to construct pedestrian improvements at D Street NE adjacent to the development. Additional pedestrian Improvements in the area will be considered by the City for future Capitol projects.

4. **Drainage and Flooding:** Comments received express concerns for existing drainage issues that cause flooding on neighboring property.

Staff Response: The property is not located within a FEMA mapped flood hazard area. As identified in the conditions of approval, the development is required to comply with SRC Chapter 71 and the Public Works Design Standards relating to stormwater management. Runoff from the development site will be treated and

detained through the use of green stormwater infrastructure (GSI) prior to discharging the drainage into the public system. The applicant has set aside area for GSI but has not provided a preliminary stormwater management report that demonstrates how the facilities will be constructed to meet the Public Works Design Standards. Prior to issuance of a building permit, the applicant is required to provide a stormwater management report that demonstrates compliance with City Standards and will address existing drainage conditions on the site and reduce runoff onto neighboring property.

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cc: File