

**TO:** Peter Domine, Planner II  
Community Planning and Development Department

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

**DATE:** April 29, 2025

**SUBJECT:** **Infrastructure Memo**  
**SUB-ADJ25-02 (25-103980-PLN)**  
**4208 Market Street NE**  
**5-Lot Subdivision**

## **PROPOSAL**

A subdivision tentative plan to divide three lots totaling 0.72-acres in size into a five lots ranging from approximately 4,948 to 9,673 square feet in size, three of which will be flag lots. The consolidated application includes one Class 2 Adjustment to exceed the maximum number of units served by a flag lot accessway from four to six. The subject properties are zoned RS (Single Family Residential) and located at 4208 and 4258 Market Street NE (Marion County Tax Lot and Assessor Map Numbers 072W19AC / 400; 500; 600).

## **RECOMMENDED CONDITIONS APPROVAL**

1. Prior to final plat approval, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
2. 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.
3. Prior to final plat approval or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve each lot.
4. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services in the public right-of-way to serve each lot.

5. Prior to final plat approval or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities that are proposed in the public right-of-way to serve each lot.
6. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
7. With the final plat, the applicant shall record a Shared Stormwater System Agreement which is in compliance with SRC 802.040.
8. On the final plat, provide a 10-foot-wide public utility easement along the frontage of Market Street NE and Tierra Drive NE.
9. Prior to final plat approval or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), permanently close the two unused driveway approaches onto Market Street NE and replace with curb and sidewalk, as shown on the applicant's plans.

### **SUBDIVISION 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 205.010(d)(1): The tentative subdivision complies with all standards of this Chapter and with all applicable provisions of the UDC.***

### **City Platting Standards**

#### ***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).

### **City Utility Infrastructure Standards**

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

<b>Utilities &amp; Parks</b>	
<b>Type</b>	<b>Existing Conditions</b>
<b>Water</b>	Water Service Level:
	A 12-inch water main is located in Market Street NE.
	A 10-inch water main is located in Tierra Drive NE.
<b>Sanitary Sewer</b>	A 6-inch sanitary sewer main is located in Market Street NE.
	A 8-inch sanitary sewer main is located in Tierra Drive NE.
<b>Storm Drainage</b>	A 12-inch storm main is located in Market Street NE.
	A 10-inch storm main is located in Tierra Drive NE.
<b>Parks</b>	The proposed development is served by Weathers Street Park located one-third of a mile south of the subject property.

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:** The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit 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 lots 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 stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the partition.

**Condition:** Prior to final plat approval, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

**Condition:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

### ***SRC Chapter 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:** Private water, sewer, and storm 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. 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. To ensure the lots are served by public utilities, as required by SRC Chapter 802, the following condition applies:

**Condition:** Prior to final plat approval or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), obtain permits for installation of water services to serve each lot.

**Condition:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct sewer services in the public right-of-way to serve each lot.

**Condition:** Prior to final plat approval or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities that are proposed in the public right-of-way to serve each lot.

As conditioned, the proposed subdivision 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:** As shown on the applicant's plan, shared access easements are required and utility easements are required where services cross the new property lines. 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.

▪ **Private stormwater, wastewater, and water systems:**

SRC 802.040 allows private stormwater systems under certain circumstances.

**Finding:** As shown on the applicant's preliminary drainage plan, a common private stormwater system is proposed to serve the subdivision. According to SRC 802.040(c) if the private system serves multiple properties under separate ownership, an agreement between the property owners is required to ensure continued maintenance of the system. The applicant shall be required to provide a Private Shared Stormwater Agreement that meets the standards of SRC 802.040. The following condition applies:

**Condition:** With the final plat, the applicant shall record a Shared Stormwater System Agreement which is in compliance with SRC 802.040.

**City Street and Right-of-way Standards**

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Market Street NE (Minor Arterial)	Standard:	72-feet	46-feet
	Existing Condition:	78-feet	56-feet
Tierra Drive NE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	60-feet	34-feet

***SRC Chapter 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 subdivision applications.

**Finding:** The subject property abuts Market Street NE (minor arterial) along the northern property boundary and Tierra Drive NE (local) along the western property boundary. The streets abutting the subject property meet the required right-of-way width and pavement improvement width for their classification according the standards established in SRC 803.025; therefore, additional improvements along Market Street NE and Tierra Drive NE are not required.

▪ ***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:** Market Street NE and Tierra Drive NE are fully improved with curblin sidewalks. At time of Building Permit, street trees may be required.

▪ ***Public Utility Easements:***

SRC 803.035(n) requires dedication of 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 Market Street NE and Tierra Drive NE.

**Condition:** On the final plat, provide a 10-foot-wide public utility easement along the frontage of Market Street NE and Tierra Drive NE.

***SRC Chapter 804 – Driveway Approaches***

SRC 804 establishes standards for driveway approaches to ensure safe and efficient access is provided from private property to the public way.

**Finding:** The development site is currently served by three driveway approaches onto Market Street NE. As shown on the applicant's plans, two of the three driveway approaches onto Market Street NE will be closed and one new approach onto Tierra will be constructed to serve flag lot accessway. Per SRC 803.035(c)(1) driveway approaches onto arterial roadways are only permitted to serve approved vehicle use areas. As the approaches are no longer proposed to serve a vehicle use area, the unused driveway approaches onto Market Street NE shall be closed and replaced with curb and sidewalk.

**Condition:** Prior to final plat approval or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), permanently close the two unused driveway approaches onto Market Street NE and replace with curb and sidewalk, as shown on the applicant's plans.

## **Natural Resources**

### ***SRC Chapter 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:** The 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 no mapped landslide hazard areas on the subject property.

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

**Finding:** Properties adjacent to the subject property are served by existing access or capable of being served by public streets. The tentative subdivision does not impede future development on adjacent properties. This criterion is met.

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

**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 partition, subject to the conditions of approval established in this decision. This approval criterion is met.

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

**Finding:** As described in the findings above, the subject property is located adjacent to Market Street NE, a minor arterial street, and Tierra Drive NE, a local street under the City's Transportation System Plan (TSP). The existing condition of these streets meets the minimum standards for its classification according to the Salem TSP and SRC Chapter 803. This criterion is met.

***SRC 205.010(d)(5): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.***

**Finding:** The proposed 5-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 per SRC 803.015(b)(1). This criterion is not applicable.

***SRC 205.010(d)(6): 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 inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. This criterion is not applicable.

**RESPONSE TO COMMENTS**

1. **Driveway Access:** Comments from ELNA express concerns for the driveway access proposed to serve three lots with duplexes, with a total of six dwelling units.

**Staff Response:** The subdivision tentative plan will reconfigure three existing lots to five lots. The subdivision tentative plan has frontage along Market Street NE, a minor arterial street, and Tierra Drive NE, a local street. The applicant proposes to serve three of the proposed lots by a flaglot accessway that provides access onto Tierra Drive NE, the lower classification of street abutting the property. The proposed flaglot accessway is 25-feet in width and provides for adequate two-way



circulation for the development proposed. The proposed accessway is sufficient to provide access to three lots, with six total units, as proposed.

2. **Driveway Spacing:** Comments from ELNA express concerns for the spacing of the driveway approaches to the intersection of Market Street NE and Tierra Drive NE. Comments received from the public address congestion at the intersection and concerns of traffic safety.

**Staff Response:** The applicant proposes two new driveway approaches onto Tierra Drive NE, which is classified as a local street. The driveway approaches are 130-feet and 150-feet from the intersection of Market Street NE and Tierra Drive NE. According to SRC Chapter 804, there are no driveway approach spacing standards onto Local streets. The driveway approaches are located as far from the intersection as possible, while remaining on the subject property. Additionally, access onto Market Street NE is restricted, due to it's higher classification (minor arterial). Therefore, access onto Tierra Drive NE for the new dwellings is required. The proposed driveway approaches meet the standards for driveway approaches onto local streets according to SRC Chapter 804.030.

The tentative subdivision plan will reconfigure two existing lots into 5 lots, three of which are proposed to have duplexes. Development of six additional dwelling units on the subject property would generate 43 Average Daily Trips (ADTs), which is not a significant addition to the transportation system. The streets abutting the subject property meets the minimum standards for their classification according to the Salem Transportation System Plan. The existing streets surround the development are adequate to serve the development proposed.

3. **On-street Parking:** ELNA requests that a "no-parking" zone be established 100-feet from the intersection of Tierra Drive NE and Market Street NE.

**Staff Response:** The Public Works Design Standards require "no-parking" within 50-feet of a stop sign. These details are provided at time of construction plan review.

4. **Stormwater Management:** Comments received express concerns for how the development would impact the water table and stormwater drainage.

**Staff Response:** The proposed development requires the use of Green Stormwater Infrastructure, according to SRC Chapter 71. The applicant proposes a infiltration planter on the private property to treat and detain stormwater generated by the development, as required by SRC Chapter 71 and the Public Works Design Standards. The Public Works Design Standards require detention of stormwater to predevelopment conditions and various storm events. The stormwater facility will drain to the public storm system in Market Street NE. The proposed development will not negatively impact drainage system. There are no standards in the Salem Revised Code that specifically regulate impacts to the "water table".

- 5. Drainage Bioswale:** Comments from ELNA express concerns for pedestrian safety along the proposed stormwater swale and question who will maintain the stormwater facility.

**Staff Response:** The proposed development requires the use of Green Stormwater Infrastructure, according to SRC Chapter 71. The applicant proposes a infiltration planter on the private property to treat and detain stormwater generated by the development, as required by SRC Chapter 71 and the Public Works Design Standards. The applicant's preliminary plans show the stormwater swale will be approximately 5-feet in depth below the existing grade. Fall protection is regulated by the Building Code and may be required based on final design of the facility. The facility is located on private property and will be maintained by the homeowners, as specified in a Shared Stormwater Facility Agreement, required as a condition of approval.

Prepared by: Laurel Christian, Planner III  
cc: File