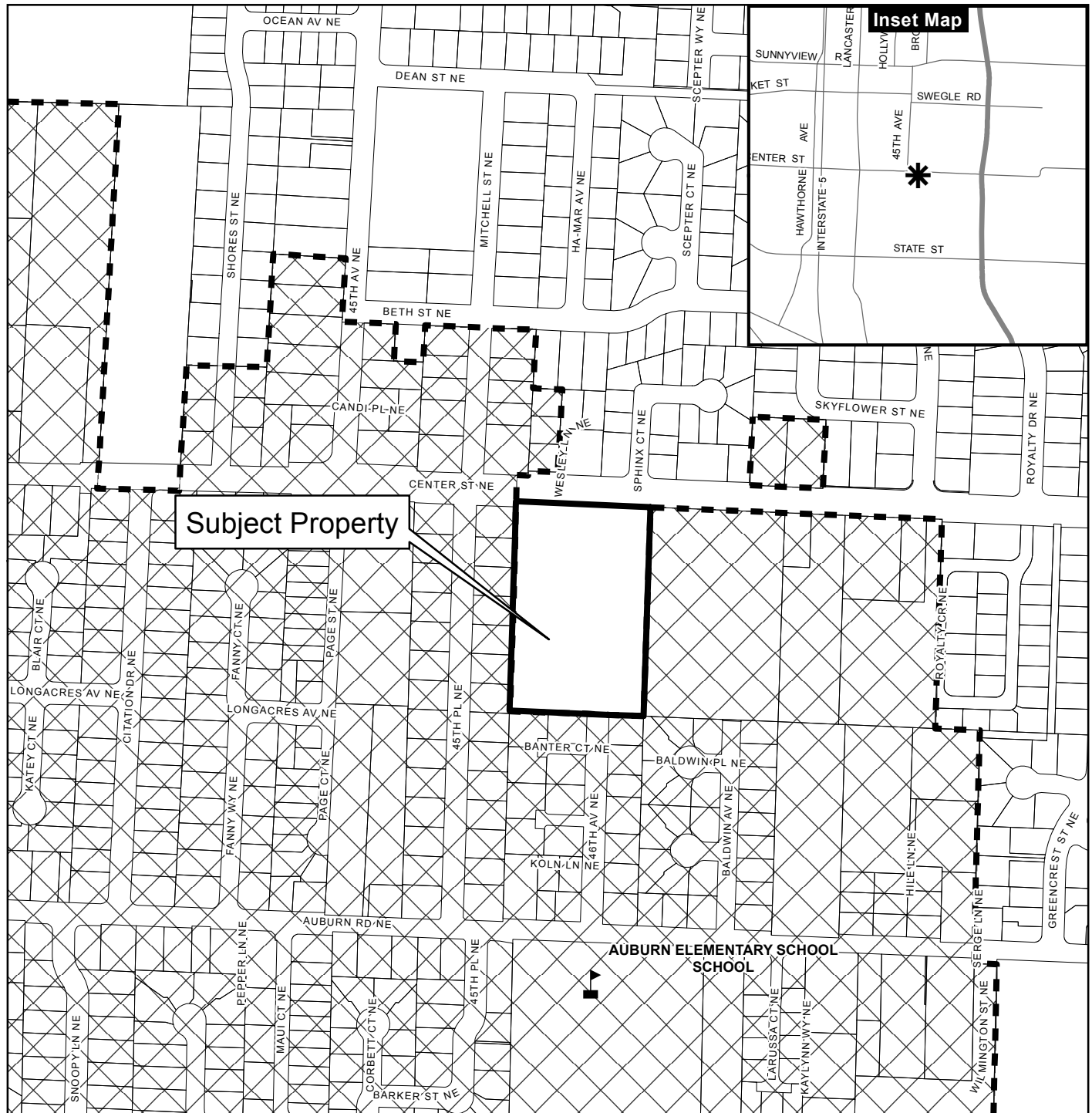


Vicinity Map

4560 Center Street NE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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Land Division Application

for

Belle Plaines Estates

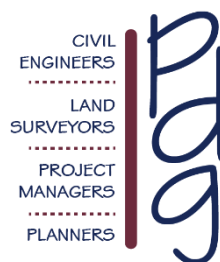
A Proposed 24-Lot Subdivision Tentative Plan
Salem, Oregon

Prepared for

Don Jensen

(Herein referred to as the Applicant)

By



I. SITE INFORMATION:

The project site includes the following privately owned property in Marion County Oregon, located south of Center Street NE and north of 46th Avenue in Salem, Oregon. This property is also described as Assessor's Tax Map number T7S, R2W, Sec. 30AA, Tax Lot 8000 and contains 4.71 acres.



Aerial

The current zoning of the site is Residential Agriculture (RA). Pursuant SRC Chapter 265.015(a)(2), at the time this tentative subdivision plan is approved the zoning will automatically change to Single Family Residential (RS). This automatic zone change is supported by the current Comprehensive Plan designation.



Zoning



Assessor's Map

II. BACKGROUND INFORMATION:

Belle Plaine Estates was originally approved on November 3, 2011, Application No. 11-112375-LD by the City of Salem. That approval expired. A second approval for 25-lots was provided by the City and decision issued on August 15, 2016 but has since expired. The City has also determined the subdivision application for the property submitted in March of 2019 has also expired and a new subdivision application must be submitted to the city. This application is being submitted as a result of that expired subdivision approval. A copy of the 2016 Preliminary Plat and Notice of Decision is included in the appendix.

The site design generally follows the same design as the original subdivision approval with the exception of a couple of items. The Street stub to the east boundary of the site has been eliminated due to the fact that U.S. Army Corp of Engineers will not allow wetland impacts by this street stub based on future development of the adjoining property. Right-of-way dedication has been left in place as required by the city, however, for future development should that ever occur. In addition, the lot count has been reduced from the original lot count of 30 lots to 24 lots.

The Applicant proposes 24 single-family lots on the 4.71-acre site and the proposed density of the site is approximately 5 units per acre. Three (3) of the lots are designed as flag lots, but do not exceed the 15% maximum requirement of the total lots within a subdivision so no adjustment is necessary.

Existing Conditions: The site is generally rectangular in shape and the topography of the site is relatively flat. Approximately 0.4 acres of wetlands are present on the site, which are proposed to be filled with mitigation provided in an off-site wetland mitigation bank. A previous wetland delineation was approved on May 20, 2015 and is good for five years. A Joint Permit Application was submitted to the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (Corps) to permit the wetland impacts but has since expired. A new application will be submitted to the USACE and DSL concurrent with this application.

III. COMPLIANCE WITH DEVELOPMENT CODE CRITERIA:

The following is a written statement describing the applicant's proposal and how it meets the requirements for a Subdivision Tentative Plan (SRC 205.010(d)). This application also includes a request for a Class 1 Adjustment to the minimum lot depth for double frontage lots.

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

- **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.**
- **City infrastructure standards.**
- **Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

Applicant's Response: The proposed tentative subdivision plan complies with the applicable provisions of the Salem Revised Code (SRC). The minimum lot area requirement for single family dwellings is 4,000-square feet excluding the area of an accessway, except for infill lots, in which the minimum lot area shall be 5,500-square feet, excluding the area of any accessway.

As shown on the Preliminary Site Plan, the smallest lot proposed is 4,633 square feet and the largest lot proposed is 9,314 square feet with the average lot size being 5,740 square feet. All lots have a minimum of 40-feet of frontage and the cul-de-sac bulbs have a minimum of 30-feet of frontage at the property line and a minimum of 40-feet at the front building setback line. All lots meet the minimum 40-foot width and the 70-foot depth requirement.

The tentative subdivision plan complies with City of Salem Public Works infrastructure design standards, including the proposed stormwater management system (see Storm Water Management Report in appendix). Existing 46th Avenue transitions from a 34-foot pavement width within a 60-foot right-of-way (see Section #3 – Sheet C-5.01). The local street, 46th Avenue is designed with a minimum of 30-feet of pavement width and a minimum right-of-way width of 60-feet as required in SRC, Chapter 803 (see Section #2 – Sheet C-5.01).

The sanitary sewer system for the site is designed in conformance with the City of Salem Public Works design standards, is a public system and is consistent with the original subdivision approval. The water system for the site is designed in conformance with the City of Salem Public Works design standards, is a public system and is consistent with the original subdivision approval as well.

The storm sewer system for the site has been redesigned. The storm water treatment and flow control is being accommodated by utilizing pre-treatment manholes and the long bioswale/detention basin adjacent Center Street. Before flowing into the basin, the storm water flows pass through pre-treatment manholes (Downstream Defender from Hydro International) which then flow into the basin. During low flows, the basin serves as a bio-swale, being over 100 feet in length, flowing in both directions towards the outlet near the center of the basin. During higher flows the basin fills up with outlet flows controlled by the outlet control manhole out on Center Street. The Preliminary Storm Water Report is included in the appendix of this submittal.

According to the City of Salem Floodplain Map, the proposed development is not in a mapped floodplain and no special setback requirements apply.

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

Applicant's Response: The tentative subdivision plan is consistent with the land use of the adjacent properties and does not impede the future use or development of this property or adjacent land. The properties bordering the site to the west and south are developed with single family homes, which is a use consistent with this proposal. The property bordering to the east is developed and is used for a church congregation. There is the potential for future development of the church property. Conversations with DSL and the Corps, however, have indicated that they will not permit filling of the wetlands located in the southeast corner of the site in order to allow the extension of 46th Avenue to the south, which was included in the original subdivision approval to be extended from 46th Avenue NE to the church property. The City of Salem planning staff has requested that the Applicant provide street stubs to the east church property as shown on the revised Site Plan so future connectivity can be provided through the church property.

The church has submitted a letter to the City of Salem asking that the requested street stub to their property not be required as it will have a direct impact on their future ability to expand in the manner which they are planning. This letter is also included in the appendix of this application.

The elimination of a street stub from 46th Avenue NE to the church property does not prohibit the church property from future development of a portion of their property. The church property has access to the existing public street Baldwin Avenue, which is stubbed to the south boundary of the church property and to Center Street NE, which runs along the frontage of the site. These two public street connections will provide the required access and connectivity if a portion of the church property becomes available for future development.

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

Applicant's Response: The proposed development can be adequately served by City infrastructure with the proposed improvements. Public sanitary and storm sewers are in place in Center Street NE and have adequate capacity for use by this development. The public water system in Center Street NE and 46th Avenue NE will be looped together and will provide the required fire and domestic water protection. Center Street NE is a major arterial street and is adequate to serve the development. 46th Avenue NE is a local street and will be continued through the site connecting with Center Street NE directly opposite of Sphinx Court. Franchise utilities are available to the site and will be designed into the site to service individual lots. Please reference the Sanitary & Water Plan and the Grading and Drainage Plan for details regarding the utility design. Along the entire frontage on the development side of Center Street NE, the applicant will construct improvements for a setback sidewalk.

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

Applicant's Response: The extension of 46th Avenue NE through the site is consistent with the recommendations for the local street connectivity element included in the Salem Transportation Plan.

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

Applicant's Response: The extension of 46th Avenue NE through the site is designed in such a way that it lines up with Sphinx Court NE, directly to the north of the proposed subdivision. This new connection, along with the curb and sidewalk improvements to 46th Avenue NE, within the subdivision, will provide for safe, orderly and efficient circulation of traffic into, through and out of the subdivision.

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.

Applicant's Response: To the north of the development is Center Street NE. Center Street NE is designated as a major arterial street in the Salem Transportation System Plan (TSP), and as such is subject to a 48-foot wide right-of-way improvement. Proposed improvements include a bicycle lane and sidewalks which meet the ADA requirements. The Applicant's proposed improvements are shown on Sheet C5.01 – Section #1.

To the south of the subject property is 46th Avenue NE. This street is designated as a local street in the Salem TSP, and as such is subject to a 30-foot wide improvement within a 60-foot right-of-way. The proposed subdivision plan will connect 46th Avenue NE to Center Street NE and will have the required curb and sidewalk improvements - thus providing safe, orderly and efficient circulation of traffic into, through and out of the subdivision. Together, the Center Street NE and 46th Avenue NE improvements will provide improved pedestrian, bicycle, and vehicular circulation between the new and existing subdivision areas. Additionally,

with the extension of 46th Avenue NE, contiguous sidewalks will be available from the proposed subdivision to Auburn Elementary School.

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

Applicant's Response: Pursuant to the City of Salem Revised Code (SRC) Chapter 803.015 and the adopted Institute of Transportation Engineer's Trip Generation Manual, a Traffic Impact Study (TIA) is not required for this subdivision. This criterion is met.

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

Applicant's Response: There are a total of 6 trees on the property – four of which are subject to the standards of this ordinance. Of these four trees, only one is slated for removal (see Tree Preservation Plan). The site does not have any significant or heritage trees or riparian corridors on the site. There is not any vegetation other than field grass or unusual topography at the site. The site is a cleared grass field with flat topography; therefore, disruption to this topography and vegetation is expected and approved by the city on development sites. This criterion is met.

- 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.**

Applicant's Response: As stated earlier, the design of the proposed subdivision has considered both topography and vegetation on the site. The property is fairly flat, and the proposed grading has been designed to minimize impacts to the existing wetlands while providing positive drainage for lots and roads. This criterion is met.

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

Applicant's Response: An Urban Growth Preliminary Declaration application is not required for this subdivision because the property is within the Urban Service Area.

MEMO

TO: Olivia Dias, Planner III
Community Development Department

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

DATE: February 20, 2020

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
SUB19-09 (19-125242-LD)
4560 CENTER STREET NE
24-LOT SUBDIVISION

PROPOSAL

A tentative subdivision plan to divide approximately 4.71 acres into 24 lots ranging in size from 4,633 square feet to 9,314 square feet. The subject property is approximately 4.71 acres in size, zoned RA (Residential Agriculture), and located at 4560 Center Street NE (Marion County Assessor Map and Tax Lot Number 072W30AA / 8000).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Convey land for dedication of right-of-way to equal a half-width of 48 feet from the centerline along the entire frontage of Center Street NE.
2. Along the Center Street NE frontage of the subject property, construct a minimum 23-foot-wide half-street improvement to interim Minor Arterial standards. The Center Street improvements shall include an eastbound-to-northbound left-turn lane and a westbound-to-southbound left-turn lane at the intersection of Center Street NE and Sphinx Court NE. The turn lanes shall include storage and tapers as specified in PWDS.
3. Construct internal streets to Local street standards, including property-line sidewalks and installation of street trees.
4. Construct a minimum 5-foot-wide pedestrian access route along Center Street NE from the west line of the subject property to the terminus of the existing sidewalk located on the east side of 45th Place NE.
5. Obtain approval from Marion County to gain access across the existing 1-foot reserve strip on 46th Avenue NE.

6. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.
7. Dedicate a 10-foot public utility easement along the street frontage of all internal streets.

FACTS AND FINDINGS

Water

1. Existing Conditions

- a. The subject property is located within the G-0 water service levels.
- b. A 12-inch water main located in Center Street NE.
- c. There is a 6-inch Suburban East Salem Water District main located in 46th Avenue NE.

Sanitary Sewer

1. Existing Conditions

- a. A 15-inch sewer main is located in Center Street NE.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Center Street NE.
- b. A storm ditch is located along the frontage of the subject property.
- c. A storm ditch is located on the south-east corner of the subject property.

Streets

1. Center Street NE

- a. Standard—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. Existing Condition—This street has an approximate 34-foot improvement within a 77-foot-wide right-of-way abutting the subject property.
2. 46th 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 34-foot improvement within a 60-foot right-of-way abutting the subject property. The northerly terminus of this street has a one-foot-wide reserve strip under the jurisdiction of Marion County.

Natural Resources

- 1. Wetlands—There are Salem-Keizer Local Wetland Inventory linear channel wetlands mapped on the subject property. The applicant shall contact the Oregon Department of State Lands to verify if any permits are required for future development. The applicant is required to verify mapped wetland area(s).
- 2. Floodplain—There is no floodplain or floodway areas mapped on the subject property.
- 3. Landslide Hazards—City records show there are no landslide hazard areas mapped on the subject property.

Parks

The subject property is served by neighborhood park NP-42, which is an acquired but undeveloped park site within one-half mile of the subject property.

CRITERIA AND FINDINGS

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

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

- 1. **Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;**

2. City infrastructure standards; and
3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Findings—The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. 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).

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

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant provided a wetland delineation dated January 2015 conducted by Zion Natural Resources Consulting. Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. The response received from DSL indicates that the approved wetland delineation is valid until May 20, 2020. The Public Works Design Standards require that all applicable state and federal permits be acquired as a condition of approval.

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—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 utility plan. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement.

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

street frontage of the property to adjoining properties when the main is located in the street right-of-way. The tentative subdivision plan shows public sewer extensions to adjacent upstream 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 provided an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots. Prior to final plat, the applicant shall provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

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.

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

Finding—Center Street NE abuts the subject property and does not meet the current standard for a Major Arterial street pursuant to the Salem TSP. Center Street NE is approved as an interim alternative street standard in order to be built to Minor Arterial standards, but within a Major Arterial width right-of-way. The applicant is required to construct a half-street improvement along the entire frontage of Center Street. An alternate street standard of a 23-foot-wide half-street improvement is acceptable due to the existing configuration of Center Street NE in the vicinity of the subject property. The sidewalk and street trees along Center Street NE shall be installed according to the Major Arterial standard.

In addition to the boundary improvement, the applicant shall construct an eastbound to northbound left-turn lane and a westbound to southbound left-turn lane at the intersection of Center Street NE and Sphinx Court NE. The turn lanes shall include storage and tapers as specified in PWDS. Off-site pavement widening may be needed in order to provide adequate lane widths and taper lengths pursuant to PWDS.

There is an existing 1-foot reserve strip at the northern terminus of 46th Avenue NE that is owned by Marion County. Vehicular and pedestrian connectivity is required to 46th Avenue NE. The applicant shall obtain applicable permits from Marion County to gain access across the existing 1-foot reserve strip on 46th Avenue NE.

The applicant's site plan includes unimproved right-of-way between lots 16 and 17. This unimproved right-of-way shall comply with current Local Street standards and for the purpose of providing access and connectivity to underdeveloped property to the east. The Army Corps of Engineers provided feedback to City staff that wetland/fill permits require that the street connection to the east remain unimproved in order to preserve the natural wetland area to the greatest extent possible. Therefore, no street improvements are required in the unimproved right-of-way at this time.

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—Marion County Public Works Department and Cherriots provided comments describing the need for safe pedestrian access to 45th Place NE west of the subject property. The applicant shall be required to construct a minimum 5-foot-wide pedestrian access route along Center Street NE from the west line of the subject property to the terminus of the existing sidewalk located on the east side of 45th Place NE. This improvement is proportional to the impacts of the proposed development and provides a critical pedestrian connection to existing neighborhoods.

The subject property is served by neighborhood park NP-42, which is an acquired but undeveloped park site within ½ mile of the subject property. Access to the park is available through the existing transportation system.

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 25-lot subdivision generates less than 1,000 average daily vehicle trips to Center Avenue NE, a Major Arterial street. Therefore, a TIA is not required as part of the proposed subdivision submittal.

RESPONSE TO PUBLIC COMMENTS:

1. **Wetlands**—The applicant provided a wetland delineation dated January 2015 conducted by Zion Natural Resources Consulting. Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. The response received from DSL indicates that the approved wetland delineation is valid until May 20, 2020. The Public Works Design Standards require that all applicable state and federal permits be acquired as a condition of approval.

2. **Off-Site Sidewalks**—Marion County Public Works Department and Cherriots provided comments describing the need for safe pedestrian access to 45th Place NE west of the subject property. The applicant shall be required to construct a minimum 5-foot-wide pedestrian access route along Center Street NE from the west line of the subject property to the terminus of the existing sidewalk located on the east side of 45th Place NE.

Prepared by: Jennifer Scott, Program Manager
cc: File



EAST LANCASTER NEIGHBORHOOD ASSOCIATION (ELNA)

January 14, 2020

To: Olivia Gantz, Salem Planning Division
From: Susann Kaltwasser, East Lancaster Neighborhood Association
RE: Subdivision Case No. SUB19-09 at 4560 Center Street NE

After reviewing the proposal for 4560 Center Street NE the main concern is for the proposal that seems to suggest building homes and a street in the designated wetlands. ELNA does not support the replacement or mitigation of any wetlands in this area.

This area has a long history of drainage issues and it is not just because of surface water sitting on hydric soil. There is good evidence that this area is the original headwaters of the East Fork of the Little Pudding River. In the past this area was dotted with a series of lakes and small streams for the main part of the winter and into the spring.

Back in the 1960s Marion County dug drainage channels in the area in order to allow for more farm use. However, this action has only been partially successful. This is in part because there seem to be underground streams that are not always evident. The streams cut through this area and in times of significant rain, they rise to the surface.

During a normal winter the wetlands appear, but although they appear to 'dry up' later, what they actually do is just drop below the surface where they are less evident. Once someone digs down a few feet (and at times just a few inches) you find dampness and at times even flowing water. The evidence of this is the fact that many homes have to have sump pumps in order to remain dry, or control flooding. 1996 this area had a flowing stream that went across Center Street.

While the City might permit a developer to put in some topsoil to mitigate the wetlands, experience shows that the builder must dig down to the original ground level in order to find firm soil on which to build. This will cause standing water to accumulate inside the foundation. So, you can cover it up, but you can't eliminate the water.

We would urge the city to require the applicant get approval from the Division of State Lands to do any building in this area. Also, that they look at creating a plat that avoids building on the designated wetlands areas. Perhaps a detention or drainage system could be used on those lots

that might be required in another location. Lots 16 and 17 and the future access street to the west should not be built in the wetlands.

Knowing the history of the area and by being given notice in this letter, allowing development in this area on known wetlands and with a known history of flooding the City could be open to lawsuits if flooding occurs. We make this statement because in the past the City issued permits for another ELNA area subdivision with such a problem and when two lots flooded repeatedly, the developer claimed the City to be at fault for issuing permits.

Thank you for consideration of our neighborhood concerns.