

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

TENTATIVE SUBDIVISION CASE NO.: SUB19-09

APPLICATION NO.: 19-125242-LD

NOTICE OF DECISION DATE: FEBRUARY 21, 2020

SUMMARY: A tentative subdivision plan to divide approximately 4.71 acres into 24 lots.

REQUEST: 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).

APPLICANT: Mark Ferris, Project Delivery Group, on behalf of Jensen Consulting and Development

LOCATION: 4560 Center St NE / 97301

CRITERIA: Salem Revised Code (SRC) Chapters 205.010(d) – Subdivisions

FINDINGS: The findings are in the attached Decision dated February 21, 2020.

DECISION: The **Planning Administrator APPROVED** Subdivision SUB19-09 subject to the following conditions of approval:

Condition 1: "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lots accessways that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of the remainder of the accessways.

Condition 2: 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.

Condition 3: Construct internal streets to Local street standards, including property-line sidewalks and installation of street trees.

Condition 4: Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

Condition 5: Convey land for dedication equal to 48-feet from the centerline along the entire frontage of Center Street NE.

Condition 6: Construct a 23-foot-wide half-street improvement along the entire frontage of Center Street NE.

Condition 7: Construct an eastbound-to-northbound left-turn lane and a westbound-to-southbound left-turn lane at the Center Street/Sphinx Court intersection. The turn lanes shall include 40 feet of storage and tapers as specified in the Public Works Design Standards.

The rights granted by the attached decision must be exercised, or an extension granted, by March 10, 2022 or this approval shall be null and void.

Application Deemed Complete:	<u>December 24, 2019</u>
Notice of Decision Mailing Date:	<u>February 21, 2020</u>
Decision Effective Date:	<u>February 21, 2020</u>
State Mandate Date:	<u>April 22, 2020</u>

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

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., Monday, March 9, 2020. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 320, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(SUBDIVISION PLAT NO. 19-09)**

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

**IN THE MATTER OF THE
TENTATIVE APPROVAL OF
SUBDIVISION PLAT NO. 19-09;
4560 CENTER STREET NE**

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FINDINGS AND ORDER

FEBRUARY 21, 2020

REQUEST

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).

DECISION

The tentative subdivision plan is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

- Condition 1:** "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lots accessways that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of the remainder of the accessways.
- Condition 2:** 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.
- Condition 3:** Construct internal streets to Local street standards, including property-line sidewalks and installation of street trees.
- Condition 4:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 5:** Convey land for dedication equal to 48-feet from the centerline along the entire frontage of Center Street NE.
- Condition 6:** Construct a 23-foot-wide half-street improvement along the entire frontage of Center Street NE.

- Condition 7:** Construct an eastbound-to-northbound left-turn lane and a westbound-to-southbound left-turn lane at the Center Street/Sphinx Court intersection. The turn lanes shall include 40 feet of storage and tapers as specified in the Public Works Design Standards.

PROCEDURAL FINDINGS

1. On December 6, 2019, an application for a Tentative Subdivision Plan was filed proposing to divide a 4.71 acre property at 4560 Center Street NE (**Attachment A**) into 24 lots.
2. The application was deemed complete for processing on December 24, 2019. Notice to surrounding property owners and tenants was mailed pursuant to Salem Revised Code on December 24, 2019. After the applicant granted an extension the state-mandated local decision deadline is June 6, 2020.

SUBSTANTIVE FINDINGS

1. Background

The subject property was annexed into the City of Salem in 2011, and a 30-lot tentative subdivision plan (SUB11-01) and tree conservation plan (TCP11-01) were approved the same year. The approval expired in 2015. A 24-lot tentative subdivision plan (SUB16-01) was approved in 2016. The approval expired in 2018. The configuration of the previous two tentative approvals varied slightly from the subject tentative subdivision plan; in addition to relatively minor differences in the number and layout of lots, SUB11-01 proposed a connection to future development on the abutting property to the east via a dead-end street stubbed to the property line.

Subsequent to the approval of SUB11-01, but prior to the application for SUB16-01, federal agency staff advised that removal-fill permits would be unlikely to be approved within the right-of-way of the proposed stub street to the east, as construction of a stub street would tend to encourage further filling of the remaining portion of the wetland on the property to the east.¹ The northern half of this abutting property is developed with a church building and parking lot, but is vacant on the southern portion. A delineated wetland on the southern half of the church property extends to onto the southeast corner of the subject property. Federal agency staff have indicated that wetland removal/fill permits are likely to be approved for the portions of this wetland within proposed Lots 15, 16, and 17 and the east-west segment of the proposed internal street.

¹ 4750 Center Street NE; Marion County Assessor's Map and Tax Lot Number 072W30AA07800.

2. Proposal

The tentative plan proposes to divide the property into 24 lots for residential development (**Attachment B**), with lots ranging in size from 4,633 square feet to 9,314 square feet. Of the 24 lots within the subdivision, 20 are proposed to take access directly from public streets and 4 lots take access from flag lot accessways.²

The proposal includes two points of connectivity to existing surrounding streets; an extension of Sphinx Drive NE is proposed through the property, connecting with 46th Avenue NE at the property's southern boundary. Additional future connectivity is available at the property's eastern boundary, by way of a segment of unimproved right-of-way dedicated between Lots 17 and 18. Portions of the existing wetland within this right-of-way segment would be retained within the proposed subdivision. If development were to occur on the abutting property to the east, and the portion of the wetland on that property were filled, an improved street or pedestrian pathway could be constructed within the right-of-way segment to allow for necessary connectivity between developments. No points of access are available from the existing residential developments abutting the subject property to the west.

The applicant has not proposed any specific phasing for the subdivision or residential development. The applicant's written statement is included as **Attachment C**.

3. Existing Conditions

Site and Vicinity

The subject property contains approximately 4.71 acres and consists of a single, rectangular tax lot, approximately 360 feet in width and 570 feet in depth. One single-family dwelling is currently located on the site. The applicant plans to remove this building prior to development. The subject property was originally part of the Hamden Park subdivision, platted in 1889. The Salem city limits run along the east, west, and south boundaries of the subject property. The subject property was annexed into the City of Salem in 2011. The development pattern in the immediate vicinity is a mixture of rural residential lots and single family residential subdivisions, including Peterson's Addition (1962) on the abutting property to the west and Burnside Addition (1968) immediately to the south of the subject property.

Salem Area Comprehensive Plan (SACP) Designation

Urban Growth Policies: The subject property is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

² Lots 5, 6, 18, and 19 are proposed to take access from flag lot accessways. Although Lots 5 and 6 take access from a flag lot accessway, they have street frontage on Center Street NE that exceeds the minimum requirement for lots in the RS zone. Therefore, only lots 18 and 19 are flag lots.

Comprehensive Plan Map: The subject property is designated “Developing Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

- North: (Across Center Street NE) – Single Family Residential and Developing Residential
- South: Single Family Residential
- East: Multi-Family Residential
- West: Single Family Residential

Urban Growth Policies: The subject property is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

Growth Management: The subject property is within the City’s Urban Service Area.

Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and is currently occupied by a single family residence. The surrounding properties are zoned and used as follows:

- North: (Across Center Street NE) – RS (Single Family Residential); single family dwellings
- South: In Marion County – RS (Single Family Residential); single family dwellings
- East: In Marion County – UD (Urban Development); church
- West: In Marion County – RS (Single Family Residential); single family dwellings

Natural Features

The subject property is approximately 210 feet above mean sea level and is essentially flat, with less than 2 feet of total elevation change. The site is vegetated only by grass and two deciduous trees near the northeast and northwest corners of the property.

The Salem-Keizer Local Wetland Inventory (LWI) identifies one wetland, located on the eastern portion of the subject property and continuing onto the abutting property to the east, which is outside of city limits. The wetland was delineated in 2015 and is approximately 0.37 acres in size.

Relationship to Urban Service Area

The subject property is within the City’s Urban Service Area.

Infrastructure

Water: The subject property is located within the G-0 water service level. A 12-inch City of Salem water line is located on the north side of Center Street NE and a 6-inch Suburban East Salem Water District main is located in 46th Avenue NE.

Sewer: A 15-inch sanitary sewer main, constructed in 2009, is located in Center Street NE.

In addition, an older parallel 8-inch sanitary sewer main is located in Center Street NE.

Storm Drainage: There is an existing open roadside ditch along the Center Street NE frontage that appears to drain to the east.

There is also an existing drainage ditch located in the southeast portion of the subject property. This ditch appears to be fed by the existing Marion County public main on 46th Avenue NE, and drains to the northeast.

There is an existing 12-inch public storm main located in the north side of Center Street NE.

Streets: Center Street NE abuts the northern boundary of the subject property, and is designated as a Major Arterial in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 68-foot improvement within a 96-foot right-of-way.
- The abutting portion of Center Street NE currently has an approximately 32-foot wide improvement within a 70- to 83-foot-wide right-of-way.

46th Avenue NE terminates just to the south of the subject property, across a one-foot reserve strip owned by Marion County. This street is designated as a local street in the TSP.

- The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- The abutting portion of 46th Avenue NE has an approximate 32-foot-wide improvement within a 60-foot-wide right-of-way.

4. Land Use History

- **Annexation Case No. C-693:** Voter-approved annexation of the subject property into the City of Salem.
- **Subdivision Case No. SUB11-01:** Tentative subdivision approval for a 30-lot subdivision on the subject property with a similar, but not identical configuration to the subject proposal. A two-year extension was granted to SUB11-01 in 2013, and the subdivision approval expired in 2015.
- **Tree Conservation Plan No. TCP11-01:** A Tree Conservation Plan submitted in conjunction with SUB11-01, identifying two trees on the subject property, both to be removed. There is no expiration date for TCP11-01.
- **Subdivision Case No. SUB16-01:** Tentative subdivision approval for a 25-lot subdivision on the subject property with a similar, but not identical configuration to the subject proposal. A no extension was granted to SUB16-01, and the subdivision approval expired in 2018.

5. Public and Private Agency Review

Public Works Department - The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided their comments and recommendation for plat approval. Their memorandum is included as **Attachment D**.

Fire Department - The Salem Fire Department submitted comments indicating Fire Department access and water supply appear to be adequate.

Salem-Keizer Public Schools – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the elementary, and middle. The high school appears to be at capacity. The school district indicated that middle school and high school students residing at the subject property would be eligible for school transportation services. The area is within the “walk zone” of the assigned elementary school.

Marion County reviewed the proposal and indicated the stormwater design shall convey runoff generated from the Burnside Addition such that it bypasses the subject property. Connection of existing pedestrian facilities along 46th Avenue NE. Provide plans for Center Street widening and 46th Avenue to Marion County for co-review. The applicant shall proceed with removal of existing reserve strip with Marion County.

Cherriots reviewed the proposal and indicated that Center Street does not have adequate lighting to improve pedestrian safety. In addition, off-site sidewalks should be provided between the subject property and the east side of 45th Place NE.

Staff Response: The Marion County and Cherriots comments are addressed below in the decision criteria.

6. Neighborhood Association Comments

The subject property is within the East Lancaster Neighborhood Association (ELNA). Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” ELNA submitted comments (**Attachment E**) regarding the following issues:

Wetlands and Drainage: In summary, ELNA describes a history of flooding in the area, at the same time new residential subdivisions have been developed. ELNA’s comments attribute some of this flooding to a high water table in the area, and some to inadequate mitigation plans for the fill of nearby wetlands.

Staff Response: Wetland fill permits are regulated at the state and federal level. As described in SRC 809.025, the City’s involvement in wetland fill permits is limited. Pursuant to these requirements, City staff sent notification (a Wetland Land Use Notice or “WLUN”) to the Oregon Department of State Lands (DSL). DSL returned a response notifying the applicant that wetland fill permits are required for the proposed subdivision. Discussions with wetland permit staff at the federal level indicated that wetlands are being preserved to the greatest extent possible by delaying street improvements in the proposed right-of-way running toward the east property line. Any other requirements to mitigate wetland fill will be addressed in the state and federal permitting process.

Stormwater facilities constructed to serve the proposed development are subject to the Public Works Design Standards and must be designed by a licensed civil engineer. Pursuant to PWDS 4A.2, the applicant’s engineer is required to submit a Stormwater Management Report, which would include those issues raised in ELNA’s letter. The historical drainage information included in ELNA’s comments are available for the applicant’s engineer to review and consider as part of the stormwater design for the site.

7. Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. Prior to the comment deadline, three public comments were received:

- Requesting centralized mailboxes
- Concerns about additional homes and increase in traffic

Staff Response (Subdivision, general increase): The Public Works Department has evaluated the proposal and submitted comments indicating that existing streets in the

vicinity have adequate width for two-way vehicle traffic. The proposal will result in a boundary street improvement of Center Street and the extension of new local streets through the subdivision in conformance with current standards for vehicle, pedestrian, and bicycle facilities. These streets will connect to existing streets and fill in gaps within the current street network. The City Traffic Engineer has determined that the proposed development does not generate traffic volumes sufficient to require a traffic impact analysis pursuant to SRC 803.015; therefore, off-site mitigation to the existing transportation system is not warranted as a condition of the proposed development.

8. Criteria for Granting a Tentative Subdivision

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final subdivision plat.

SRC Chapter 205.010(d) sets forth the criteria that must be met before approval can be granted to a subdivision request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.010(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

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

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

SRC Chapter 511 (Single Family Residential): The proposed subdivision would divide the 4.71-acre property into 24 lots with a stormwater facility. The subject property is currently zoned RA (Residential Agriculture). However, SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. This provision applies to the subject property. Because the zoning of the property will be changed to RS with the recording of the plat, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the property being rezoned to RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

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

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

Proposed lots in the subdivision range from approximately from 4,633 square feet to 9,314 square feet in size. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the zone.

SRC 511.010(a) establishes a minimum lot depth of 120 feet for double frontage lots. Proposed lots 1-5 are not double frontage lots due to the public facility area located abutting Center Street.

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

Front Yards and Yards Adjacent to Streets:

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

Rear Yards:

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

Interior Side Yards:

- Minimum 5 feet

Setback requirements for the proposed lots will be reviewed at the time of application for building permits on those individual parcels.

SRC Chapter 800 (General Development Standards):

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The subject property is primarily undeveloped. Previously a single-family residence was located on the western portion of the property. The applicant has obtained a building for demolition, which has been completed (16-113506-BP).

SRC 800.020 (Designation of Lot Lines): SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. For lots that have frontage on a public street, other than corner lots, the front lot line shall be the property line that has frontage on the public street. Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. Proposed lots 1, 14, 16, 21, and 24 are corner lots. Provided that lot dimension requirements are met, the front lot line for a corner lot shall be the property line abutting a street provided by the building permit applicant.

SRC 800.025 (Flag Lots): Proposed lots 4, 5, 17 and 18 are flag lots. Subsections (a) and (b) specify that minimum lot area and dimensions for a flag lot shall be calculated exclusively of the flag lot accessway. The proposed flag lots exceed the minimum lot area and dimensions exclusive of the flag lot accessway.

Subsection (c) establishes standards for flag lots and flag lot accessways. Pursuant to SRC Chapter 800, Table 800-1, flag lot accessways serving 1 to 2 lots must be a minimum of 20 feet in overall width and must be paved to a minimum width of 15 feet.

Subsection (d) prohibits parking on flag lot accessways. In order to ensure that resident and emergency access remains unobstructed, the following condition shall apply:

Condition 1: "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lots accessways that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of the remainder of the accessways.

Subsection (e) limits the maximum number of flag lots within a subdivision to 15 percent of the proposed lots. The proposed subdivision includes two flag lots (Lots 5, and 18), or 8% of the total proposed lots, therefore meeting the standard provided in SRC 800.025(e).

The proposal conforms to the requirements of SRC Chapter 800.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and

construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is inside of the Urban Service Area. Therefore, a UGA permit is not required and the proposal conforms to the requirements of SRC Chapter 200.

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo dated February 6, 2020 (Attachment D).

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

SRC 803.015 (Traffic Impact Analysis): The proposed 24-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.

SRC 803.020 (Public and Private Streets): The applicant proposes for all internal streets within the subdivision to be public streets.

SRC 803.025 (Right-of-Way and Pavement Widths): The abutting portion of Center Street NE is designated as a Major Arterial in the TSP and has an approximate 34-foot-wide improvement within a 77-foot-wide right-of-way. As specified in SRC Chapter 803, Tables 803-1 and 803-2, the standard for a Major Arterial street is a 68-foot-wide improvement within a 96-foot-wide right-of-way. Conditions 5 and 6, described below in findings on SRC 803.040, requires dedication of right-of-way and construction of improvements on the development side of Center Street NE in order to comply with boundary street requirements and required right-of-way and improvements widths specified in SRC 803.025. As conditioned, the proposal meets these requirements.

SRC 803.030 (Street Spacing): The proposed alignment of streets within the subdivision does not result in any street spacing in excess of the maximum lengths established in subsection (a).

SRC 803.035 (Street Standards): Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The subject property abuts a row of existing single family residences along the west boundary, precluding street connectivity to the west. The proposed subdivision plan includes street connections at the north and south, with the proposed internal street connecting directly to the existing alignments of Sphinx Court NE (across Center Street NE) and 46th Avenue NE. Right-of-way dedicated just to the north of lots 13 and 14, abutting the proposed internal street, allows for a future

connection to the abutting property to the east, in the event that the existing church site is redeveloped in the future.

The applicant's site plan also includes a segment of unimproved right-of-way between Lots 16 and 17. The unimproved right-of-way shall comply with current Local Street standards for the purpose of providing connectivity to underdeveloped property to the east. Comments from the U.S. Army Corps of Engineers indicate that wetland/fill permits for wetlands on the east portion of the subject property require that the street connection to the east remain unimproved in order to preserve the natural wetland area, which extends onto the abutting property to the east, to the greatest extent possible. In the event that wetlands on the property to the east are allowed to be filled in the future, the dedication of this segment of right-of-way allows for future connectivity between the properties, consistent with subsection (d). Therefore, no street improvements are required in this unimproved segment of right-of-way at this time. All remaining internal streets are required to meet Local Street standards, which includes property line sidewalks and street trees.

There is an existing 1-foot reserve strip at the existing northern terminus of 46th Avenue NE that is owned by Marion County. In order to ensure that vehicular and pedestrian connectivity is provided between the subdivision and 46th Avenue NE, the following condition shall apply:

Condition 2: 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.

Condition 3: Construct internal streets to Local street standards, including property-line sidewalks and installation of street trees.

Subsection (m) requires streets identified in the Salem Transportation System Plan (TSP) Bicycle System Map as requiring a bicycle facility to conform to the designation of the TSP and Public Works Design Standards. The TSP Bicycle Map designates Center Street NE at the location of the subject property as a "Constructed Bike lane" route. Major arterial boundary street improvements along Center Street are required with the proposal, and shall include a bike lane.

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

Condition 4: Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

As conditioned, the proposal conforms to applicable street standards.

SRC 803.040 (Boundary Streets): Center Street NE abuts the subject property and does not meet the current right-of-way or improvement width standards for a Major Arterial street. Comments from the Public Works Department indicate that due to the existing configuration of Center Street NE in the vicinity of the subject property, a 23-foot-wide alternate street standard is acceptable for required half-street improvements along this frontage. The half street improvement shall include a sidewalk and street trees meeting the Major Arterial Standard. In order to ensure that boundary street improvements are implemented consistent with the Transportation System Plan and Public Works Design Standards, the following conditions shall apply:

Condition 5: Convey land for dedication equal to 48-feet from the centerline along the entire frontage of Center Street NE.

Condition 6: Construct a 23-foot-wide half-street improvement along the entire frontage of Center Street NE.

As conditioned, the proposal conforms to applicable boundary street requirements.

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

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for the construction of single-family dwelling units, where trees are proposed for removal. A Tree Conservation Plan (TCP19-16) was submitted in conjunction with the tentative subdivision plan on the subject property. TCP19-16 identifies seven trees on the subject property, one proposed for removal. There are no significant trees, heritage trees, or riparian corridors located on the subject property. The applicant is proposing to retain more than 25% of the trees on site.

As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 808 requirements.

SRC Chapter 809 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The Salem-Keizer Local Wetland Inventory (LWI) identifies one wetland, located on the eastern portion of the subject property and continuing onto the abutting property to the east, which is outside of city limits. The wetland was delineated in 2015 and is approximately 0.37 acres in size. Due to the presence of this wetland and wetland soils on the site, the City submitted a Wetland Land Use Notification (WLUN) to DSL. DSL submitted a response to the WLUN confirming that there is a jurisdictional wetland on the property and that a state permit is required because more than 50 cubic yards of removal/fill will be involved in the subdivision proposal.

As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 809 requirements.

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, there are no areas of landslide susceptibility on the subject property.

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

Finding: The proposed subdivision would divide a 4.71-acre property into 24 lots and an internal street right-of-way with no remainder. Vehicular access to lots within the proposed subdivision is provided by new internal streets, with two lots served by flag lot accessways. The subject property abuts built-out single family residential subdivisions to the south and west, and single family homes are located across Center Street NE to the north of the property. No street or pedestrian connections are available from abutting properties to the west.

The abutting property to the east is developed with a church and associated parking areas. The southern half of the church property remains undeveloped, and is partially covered by wetlands. The segment of unimproved right-of-way between Lots 17 and 18 allows for future street and/or pedestrian connectivity to serve the abutting property to the east, if that property is developed in the future. The new internal streets align to provide an additional means of access to the abutting residential subdivision to the south, which is located outside of the city limits.

The lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of one single family dwelling each, or development of other SRC Chapter 511 "permitted," "special," or "conditional" uses. As proposed, no corner lots will be large enough for a duplex. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties. This criterion has been met.

The proposal meets this criterion.

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

Finding: Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary 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 Public Works Design Standards as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed lots can meet the Public Works Design Standards, the applicant shall provide 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)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

The proposal meets this criterion.

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

Finding: Center Street NE abuts the subject property and does not meet the current standard for a Major Arterial street. As identified in the conditions of approval, the applicant is required to 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 in the vicinity of the subject property.

An internal street will provide access to lots within the subdivision, and is proposed as a public street with right-of-way width and improvements in conformance with TSP standards. The proposed unimproved right-of-way between lots 16 and 17 will meet right-of-way width standards and provide a future street connection to the adjacent property to the east.

The proposal meets this criterion.

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

Finding: Conditions 5 and 6 implement required boundary street improvements along the abutting portion of Center Street NE. 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. These turn lanes will allow for safe turning movements for traffic entering and existing onto the arterial street network from the proposed subdivision. In order to ensure that adequate circulation into and out of the subdivision is provided, the following condition shall apply:

Condition 7: Construct an eastbound-to-northbound left-turn lane and a westbound-to-southbound left-turn lane at the Center Street/Sphinx Court intersection. The turn lanes shall include 40 feet of storage and tapers as specified in the Public Works Design Standards.

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. Condition 2 requires the applicant to obtain applicable permits from Marion County to gain access across the existing 1-foot reserve strip on 46th Avenue NE, thereby allowing the internal street to continue to the south and connect to 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.

The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subdivided property will conform to the Salem Transportation System Plan, and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

The proposal meets this criterion.

SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers

include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

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

- Salem-Keizer Transit District (“Cherriots”) stops for bus routes 5 and 5A, located along Center Street at the intersections with 45th Avenue NE and Mitchell Street NE.
- Auburn Elementary School and Auburn Park, a public elementary school and developed Marion County park located 600-800 feet south of the closest lots within the proposed subdivision, located at 4612 Auburn Road NE.
- Salem Academy, a private Pre-K-12 school located approximately 1,500 feet northeast of the subject property at 942 Lancaster Drive NE.
- Weathers Street Park, a developed city park located approximately 0.5 miles northeast of the closest lots within the proposed subdivision, at 4188 Weathers Street NE.
- Commercial development centered on the intersection of Center Street and Lancaster Drive NE is approximately 0.5 miles west of the subject property and includes Lancaster Mall, a Roth’s IGA grocery store, and the Lancaster Center East retail center.

The proposed subdivision is accessed by an existing arterial street. The subject property will provide internal streets with safe and convenient bicycle and pedestrian access, and provide boundary street improvements where necessary in order to connect multi-modal transportation facilities with the existing transportation system. Frequent service transit service is directly available to the subject property on Center Street by way of Salem Keizer Transit’s Route 5 bus line, which runs along Center Street to downtown Salem.

The Public Works Department reviewed the proposal for consistency with the Comprehensive Parks Master Plan Update and found that the subject property is served by two developed parks; Weathers Street Park and Royal Oaks Park. Sidewalk connections are available from the subject property to each park. No park-related improvements are required as a condition of development.

The TSP Bicycle Map designates Center Street NE at the location of the subject property as a “Constructed Bike lane” route. Major arterial boundary street improvements along Center Street are required with the proposal, and shall include a bike lane.

The proposal meets this criterion.

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

Finding: The Public Works Department has reviewed the proposal and finds that the 24-lot subdivision will generate less than 1,000 average daily vehicle trips to Center Street NE, designated in the Transportation System Plan as a Major Arterial. Accordingly, a Transportation Impact Analysis is not required as part of the review of the tentative subdivision plan.

SRC 200.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The relatively flat site and minimal vegetation present few potential disruptions to the reasonable development of the proposed lots within the subdivision or the internal street system. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC. The Salem-Keizer Local Wetland Inventory (LWI) identifies one wetland, located on the eastern portion of the subject property and continuing onto the abutting property to the east, which is outside of city limits. The wetland was delineated in 2015 and is approximately 0.37 acres in size.

As described in findings above, the applicant proposes to dedicate a corridor of unimproved right-of-way to allow for a potential street extension to undeveloped portions of the abutting property to the east. Given the uncertainty of future development on the property to the east, this approach takes into account both the existing wetlands within the right-of-way and the potential future need for connectivity. The proposal meets this criterion.

SRC 200.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Finding: The relatively flat site and minimal vegetation present few potential disruptions to the reasonable development of the proposed lots within the subdivision or the internal street system. The Salem-Keizer Local Wetland Inventory (LWI) identifies one wetland, located on the eastern portion of the subject property and continuing onto the abutting property to the east, which is outside of city limits. Rather than developing an improved stub street to the east at this time, the applicant proposes an unimproved right-of-way that would allow for existing wetlands to remain unless development requiring street connectivity occurs on the abutting property to the east.

While wetlands would be filled on portions of Lots 16, and 17 within the proposed right-of-way of the east-west portion of the internal street, the portion of wetland on the unimproved right-of-way would remain intact and retain a connection to the larger wetland area on the abutting property to the east. If state and federal regulators were to approve filling of the wetland on the church property in the future, the importance of the portion preserved within the unimproved right-of-way on the subject property declines significantly, while development to the east necessitating the wetland fill would also likely require street and/or pedestrian connectivity to the subject property. This approach avoids unnecessary street construction and the disruption of topography it would entail, while allowing appropriate connectivity in the event of development on the church property.

A tree conservation plan (TCP19-16) was submitted in conjunction with the tentative subdivision plan for the subject property. TCP19-16 identifies seven trees on the subject property, one proposed for removal. No heritage trees, riparian areas, or significant trees are identified on the tree conservation plan, and none are currently present on the subject property.

The proposal meets this criterion.

SRC 200.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Finding: The subject property is located within the Urban Service Area. Therefore, this criterion does not apply.

9. Conclusion

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

IT IS HEREBY ORDERED

That Tentative Subdivision Plan Case No. 19-09, on property zoned RA (Residential Agriculture), and located at 4560 Center Street NE (Marion County Assessor Map and Tax Lot Number 072W30AA08000), is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lots accessways that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of the remainder of the accessways.
- Condition 2:** 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.
- Condition 3:** Construct internal streets to Local street standards, including property-line sidewalks and installation of street trees.
- Condition 4:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.
- Condition 5:** Convey land for dedication equal to 48-feet from the centerline along the entire frontage of Center Street NE.
- Condition 6:** Construct a 23-foot-wide half-street improvement along the entire frontage of Center Street NE.
- Condition 7:** Construct an eastbound-to-northbound left-turn lane and a westbound-to-southbound left-turn lane at the Center Street/Sphinx Court intersection. The turn lanes shall include 40 feet of storage and tapers as specified in the Public Works Design Standards.

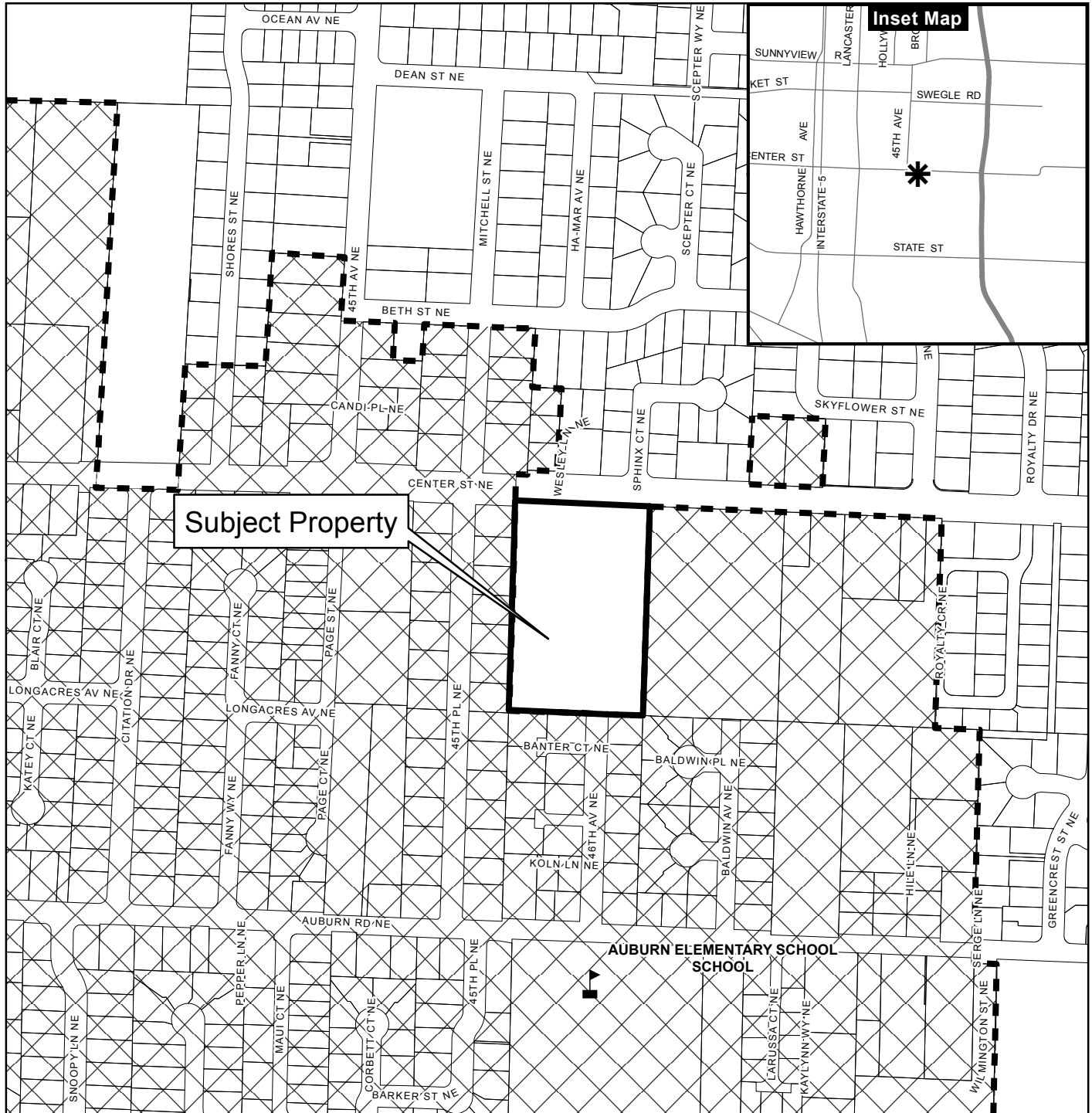


Olivia Dias, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments: A. Vicinity Map
B. Tentative Subdivision Plan
C. Applicant's Written Statement on Tentative Subdivision Plan
D. City of Salem Public Works Department Comments
E. East Lancaster Neighborhood Association (ELNA) Comments

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

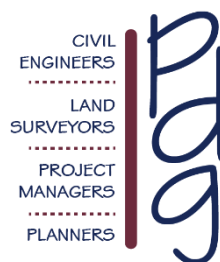
A Proposed 24-Lot Subdivision Tentative Plan
Salem, Oregon

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.