


TO: Brandon Pike, Planner I
Community Development Department

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

DATE: May 16, 2022

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SPR-ADJ-DAP-DR22-17 (21-119893; 21-119895; 21-119896;
21-120142)
4700 BLOCK OF BATTLE CREEK ROAD SE
200-UNIT APARTMENT COMPLEX

PROPOSAL

A consolidated application containing a Class 3 Site Plan Review and Class 1 Design Review for the development of a new apartment complex with associated site improvements, a Class 2 Driveway Approach Permit to allow driveway access onto proposed Local streets, and Class 2 Adjustment requests. The subject property is approximately 12.87 acres in size, zoned RM-II (Multiple Family Residential-II) and located in the 4700 Block of Battle Creek Road SE (Marion County Assessor map and tax lot number(s): 083W11D / 00601).

RECOMMENDED CONDITIONS OF APPROVAL

1. Acquire and convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Battle Creek Road SE along the frontage of the property and from M Street to Kuebler Boulevard SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Prior to building permit issuance, the applicant shall either:
 - a. Acquire the land for dedication; or
 - b. Document good faith attempts to acquire right-of-way the land needed as outlined above, prepare the legal descriptions thereof, and transmit them to the Public Works Director.
2. Construct a half-street improvement along Battle Creek Road SE from M Street to Kuebler Boulevard SE to Minor Arterial standards. This improvement can be deferred through a performance guarantee pursuant to SRC 110.100 until sufficient right-of-way is acquired to construct the improvement. If the City is unable to acquire the right-of-way prior to final occupancy of all buildings in the development, then the

performance guarantee shall be refunded, and the applicant is not required to construct the improvement. The SDC Eligibility Ratio for this improvement is 100 percent pursuant to Administrative Rule 109-200-2.4(c).

3. Construct M Street from Battle Creek Road SE to the northeast line of the development frontage as a 30-foot curb-to-curb improvement with sidewalk, street trees, and streetlights on the development side of the frontage.
4. Construct a full-street improvement for O Street and P Avenue to Local street standards from M Street to the southeast property line as shown on the applicant's preliminary plan.
5. Construct a minimum 12-inch water main from Battle Creek Road SE within M Street, O Street, and P Avenue to the easterly terminus of P Avenue.
6. Extend the existing 8-inch sanitary sewer main from Battle Creek Road SE to the southeast property line as shown on the applicant's preliminary utility plan.
7. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

FACTS

Streets

1. Battle Creek Road SE
 - a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 27-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
2. Kuebler Boulevard SE
 - a. Standard—This street is designated as a Parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 85-foot-wide improvement within a 175-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Battle Creek Road SE.
- b. A 6-inch storm main is located in Kuebler Boulevard SE.

Water

1. Existing Conditions

- a. The subject property is located in the S-1 and S-2 water service level.
- b. An 18-inch S-2 water main is located in Battle Creek Road SE. Mains of this size generally convey flows of 4,800 to 11,100 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. A 15-inch sewer main is located in Battle Creek Road SE.

CRITERIA AND FINDINGS

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

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

Finding—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain; 802 – Public Improvements; 803 – Streets and Right-of-Way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; and 810 – Landslides.

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.

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

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on

the subject property. The proposed activity of a multi-family complex adds 2 activity points to the proposal, which results in a total of 4 points. Therefore, the proposed development is classified as a low landslide risk and does not require any additional information based on SRC Chapter 810.

Criteria: SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately

Finding—Kuebler Boulevard SE meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

The existing condition of Battle Creek Road SE does not meet current standards for its classification of street per the Salem TSP. The proposed development generates a significant amount of pedestrian traffic, and there is no continuous sidewalk available to pedestrians for access to Kuebler Boulevard SE. In order to provide safe and efficient pedestrian circulation into and out of the proposed development, the applicant shall obtain right-of-way and construct a half-street improvement to Minor Arterial standards from M Street along Battle Creek Road SE to the intersection of Battle Creek Road SE and Kuebler Boulevard SE. To provide for safe, orderly, and efficient access toward Reed Road SE, the applicant shall construct a half-street improvement from M Street to the southerly limit of the Reed/Battle Creek intersection realignment. The SDC Eligible Projects (309) list shows this section of Battle Creek Road SE from Reed Road SE to Kuebler Boulevard SE to be a Maximum Eligibility of 80 percent. However, the 20-percent portion of Battle Creek Road ineligible for SDC funding is being funded by Fairview Development District fees. Therefore, there is no Developer's Share required for this improvement, and the SDC Eligibility Ratio for this improvement is 100 percent pursuant to Administrative Rule 109-200-2.4(c).

The Reed/Battle Creek intersection realignment is required as a condition of development for Coburn Grand View subdivision adjacent to the subject property and will be constructed by others.

Because off-site right-of-way acquisition is necessary to complete the required half-street improvement along Battle Creek Road SE from M Street SE to Kuebler Boulevard SE, the applicant may defer construction of the improvement until off-site right-of-way can be acquired pursuant to SRC 803.070. Prior to building permit issuance, the applicant is responsible for making a good faith effort to acquire the right-of-way needed to construct the improvement. If such good faith efforts are unsuccessful, then the applicant shall transmit to the Public Works Director legal descriptions of the land to be acquired. The City will attempt to acquire right-of-way while the proposed development is being constructed. If the City is unable to acquire the right-of-way prior to final occupancy of all buildings in the development, then the

performance guarantee shall be refunded and the applicant is not required to construct the improvement because of proportionality constraints, and the City will construct the improvement through its Capital Improvement Program at a later time.

Condition: Acquire and convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Battle Creek Road SE along the frontage of the property and from M Street to Kuebler Boulevard SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Prior to building permit issuance, the applicant shall either:

- a. Acquire the land for dedication; or
- b. Document good faith attempts to acquire right of way the land needed as outlined above, prepare the legal descriptions thereof, and transmit them to the Public Works Director.

Condition: Construct a half-street improvement along Battle Creek Road SE from M Street to Kuebler Boulevard SE to Minor Arterial standards. This improvement can be deferred through a performance guarantee pursuant to SRC 110.100 until sufficient right-of-way is acquired to construct the improvement. If the City is unable to acquire the right-of-way prior to final occupancy of all buildings in the development, then the performance guarantee shall be refunded, and the applicant is not required to construct the improvement. The SDC Eligibility Ratio for this improvement is 100 percent pursuant to Administrative Rule 109-200-2.4(c).

The applicants site plan shows new public streets extending from Battle Creek Road SE to the northern property lines and within the complex development. Applicant shall be required to construct internal streets as follows:

Condition: Construct M Street from Battle Creek Road SE to the northeast line of the development frontage as a 30-foot curb-to-curb improvement with sidewalk, street trees, and streetlights on the development side of the frontage.

Condition: Construct a full-street improvement for O Street and P Avenue to Local street standards from M Street to the southeast property line as shown on the applicant's preliminary plan.

The block length of O Street is approximately 730 feet between M Street and P Avenue, exceeding the 600-foot block length requirement in SRC 803.030. A larger block length is authorized by the Director under SRC 803.030(b) because it accommodates more efficient and denser development with less impervious surface, and strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic.

Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding—The proposed driveway accesses onto O Street and P Avenue and provide for safe turning movements into and out of the property.

Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding—The Public Works Department has reviewed the applicant's preliminary plan for this site. With recommended conditions, water, sewer, and storm infrastructure will be available within surrounding streets/areas and are adequate to serve the proposed development.

The lot is within the S-1 and S-2 water services levels. The proposed development area is served by S-2 and not within the S-1 water service level. There is an 18-inch S-2 water main located in Battle Creek Road SE. The applicant's preliminary utility plan shows an extension of the public main from Battle Creek Road SE to the southeastern property line. The water main shall be a minimum 12-inch line in order to provide adequate flow to the proposed development and neighboring properties.

Condition: Construct a minimum 12-inch water main from Battle Creek Road SE within M Street, O Street, and P Avenue to the easterly terminus of P Avenue.

There is an 8-inch sanitary sewer main within Battle Creek Road SE, abutting the subject property. The applicant shall be required to extend the existing main through M Street, O Street, and P Avenue to the southeast property line, to serve the proposed development and adjacent undeveloped property.

Condition: Extend the existing 8-inch sanitary sewer main from Battle Creek Road SE to the southeast property line as shown on the applicant's preliminary utility plan.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

Condition: Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

Criteria—A Class 2 Driveway Approach Permit shall be granted if:

- (1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;**

Finding—The proposed driveway approaches meet the standards for SRC Chapter 804 and PWDS.

- (2) No site conditions prevent placing the driveway approach in the required location;**

Finding—There are no site conditions prohibiting the location of the proposed driveway approaches.

- (3) The number of driveway approaches onto an arterial are minimized;**

Finding—The proposed driveway approaches are not accessing onto an Arterial street.

- (4) The proposed driveway approach, where possible:**

- i. Is shared with an adjacent property; or**
- ii. Takes access from the lowest classification of street abutting the property;**

Finding—The proposed driveways are currently located with access to the lowest classification of street abutting the subject property.

- (5) Proposed driveway approach meets vision clearance standards;**

Finding—The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

- (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;**

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

- (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;**

Finding—Staff analysis of the proposed driveway and the evidence that has been submitted indicate the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

Finding—The proposed driveway approach is located on a Local street and does not create a significant impact to adjacent streets and intersections.

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

Finding—The proposed development is surrounded by residentially zoned property. The proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

Prepared by: Laurel Christian, Program Coordinator
cc: File