

**TO:** Bryce Bishop, Planner III  
Community Development Department

**FROM:** Laurel Christian, Development Services Planner II  
Public Works Department

**DATE:** November 18, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
SUB22-07 (22-114284)  
4120 KURTH STREET S  
6-LOT SUBDIVISION**



**PROPOSAL**

An application for a subdivision tentative plan to divide 1.52 acres into six lots ranging in size from approximately 6,966 square feet to 11,036 square feet. The subject property is zoned RS (Single Family Residential), and located at 4120 Kurth Street S (Marion County Assessor Map and Tax Lot Numbers: 083W09BB01600 and 00300).

**RECOMMENDED CONDITIONS APPROVAL**

1. Prior to public construction plan approval or final plat approval, whichever comes first, the applicant shall identify the total number of dwelling units to be constructed within the subdivision.
2. The following conditions of approval shall be completed prior to final plat approval or shown on the final plat:
  - a. Dedicate a 10-foot public utility easement along the street frontage of Kurth Street S, Browning Avenue S, and the Mesa Street S cul-de-sac.
  - b. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
  - c. Convey land for dedication of right-of-way along the entire frontage Kurth Street S equal 30 feet from centerline.
  - d. Convey land for dedication of right-of-way along the entire frontage of Browning Avenue S equal to 30 feet from centerline.
  - e. Dedicate a minimum 15-foot of right-of-way for the mid-block bike/pedestrian connection from Mesa Street S to Kurth Street S.

- f. Dedicate right-of-way for the extension of Mesa Street S within the subject property as shown on the applicant's tentative plan.
  - g. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- 3. The following conditions of approval shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B):
  - a. Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
  - b. If the cumulative vehicle trips resulting from the number of dwelling units identified by the applicant to be constructed within the subdivision pursuant to Condition 1 will result in 20 or more new daily trips, with credits for prior use, if applicable, construct a half-street improvement along the frontage of Kurth Street S to collector street standards, including a property line sidewalk, as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
  - c. If the cumulative vehicle trips resulting from the number of dwelling units identified by the applicant to be constructed within the subdivision pursuant to Condition 1 will result in less than 20 new daily trips, with credits for prior use, if applicable, along the entire frontage of Kurth Street S construct additional pavement for a pedestrian access route to a width of 17 feet from the centerline as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The pavement shall be constructed according to PWDS for the grade and surface standards of a pedestrian access route.
  - d. Construct a half-street improvement along the frontage of Browning Avenue S to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
  - e. Construct the extension of Mesa Street S to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
  - f. Construct a mid-block bike/pedestrian connection from Mesa Street S to Kurth Street S, as shown on the applicant's tentative plan, and in accordance with the PWDS.
  - g. Obtain street tree removal permits, as necessary, pursuant to SRC Chapter 86.

- h. Install street trees to the maximum extent feasible along the Kurth Street S, Browning Avenue S, and Mesa Street S frontages.
- i. Upgrade the existing 4-inch main in Mesa Street S to a minimum 8-inch main from Camelia Street SE to the Mesa Street S cul-de-sac.

## **FACTS AND FINDINGS**

### **Streets**

#### **1. Kurth Street S**

- a. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 17-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

#### **2. Browning Avenue S**

- a. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 20-foot improvement within a 40-foot-wide right-of-way abutting the subject property.

#### **3. Mesa Street S**

- 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 20-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

### **Water**

#### **1. Existing Conditions**

- a. The subject property is located within the S-3 water service level.
- b. A 6-inch and 12-inch water main is located in Kurth Street S.
- c. 12-inch water main is located in Browning Avenue S.

- d. A 4-inch water main is located in Mesa Street S.

## **Sanitary Sewer**

### **1. Existing Conditions**

- a. An 8-inch sewer main is located in Kurth Street S.
- b. An 8-inch sewer main is located in Browning Avenue S.
- c. An 8-inch sewer main is located in Mesa Street S.
- d. An 8-inch sewer main is located along the eastern property line and travels from Browning Avenue S to the southern property line in an easement.

## **Storm Drainage**

### **1. Existing Conditions**

- a. A 12-inch storm main is located in Kurth Street S.
- b. A 24-inch storm main is located in Browning Street S.
- c. A 10-inch storm main is located in Mesa Street S.
- d. An 18-inch storm main is located along the eastern property line and travels from Browning Avenue S to the southern property line in an easement.

## **Parks**

The proposed development is served by Sunnyslope Park approximately 0.40 miles southwest 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. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. 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.

A 10-foot-wide public utility easement is required along the street frontage of Kurth Street S, Browning Avenue S, and Mesa Street S pursuant to SRC 803.035(n).

**Condition:** Dedicate a 10-foot public utility easement along the street frontage of Kurth Street S, Browning Avenue S, and Mesa Street S.

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 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, sewer, and stormwater infrastructure are available in Kurth Street S and Browning Avenue S along the perimeter of the site and appear to be adequate to serve the lots fronting on Kurth Street S and Browning Avenue S as shown on the applicant's tentative plan.

The existing 4-inch main in Mesa Street S cannot support the proposed lots and the proposed fire hydrant at the end of Mesa Street S. The applicant shall upgrade the existing 4-inch main in Mesa Street S to an 8-inch main from Camelia Street SE to the Mesa Street cul-de-sac.

**Condition:** Upgrade the existing 4-inch main in Mesa Street S to a minimum 8-inch main from Camelia Street SE to the Mesa Street S cul-de-sac.

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 shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

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

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

Private water, sewer, and storm services shall be constructed to serve each lot. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval.

As described above, public sewer and storm mains are located on the subject property within an easement. The tentative plan does not show all existing easements for existing infrastructure; these shall be shown on the final plat. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**Condition:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

**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**—Kurth Street S abuts the subject property and does not meet the current standards for a collector street. Kurth Street S has a “Collector C” designation according to the Salem TSP because there is not a designated bike route along this street; parking should be provided along the development side of the street pursuant to PWDS once the street is fully constructed to collector street standards. The existing street section of Kurth Street S in the vicinity of the proposed partition lacks curbs and sidewalks, yet has stormwater facilities. Pursuant to SRC 803.040, the applicant is required to convey land for dedication of right-of-way to equal 30 feet from centerline along the entire frontage of

Kurth Street S SE to meet Collector street standards.

For boundary street improvements along the frontage of Kurth Street S, Public Works staff recommends a minimum improvement of a temporary pedestrian access route by widening the existing pavement to 17 feet from centerline, and installation of street trees. Up to a half-street improvement to Collector standards may be warranted based on the proposed uses of the lots. At the minimum density of six single-family dwellings, the applicant shall construct a pedestrian access route to mitigate traffic impacts of six single-family dwellings and contribute to the safe, orderly, and efficient circulation of traffic by reducing potential conflicts between motorists and pedestrians. Up to 23 middle housing units could be constructed on the six lots, which would have a more significant impact on the transportation system and warrant a half-street boundary improvement on Kurth Street S. Street trees shall be provided consistent with collector street standards as specified in the Salem TSP.

The applicant shall submit a plan that identifies the total number of dwelling units proposed to be constructed on the site to determine the impacts to the transportation system. If the proposed development exceeds 20 new average daily trips, taking into consideration prior uses of the site, a half-street improvement to Kurth Street S shall be required.

**Condition:** Convey land for dedication of right-of-way along the entire frontage Kurth Street S equal 30 feet from centerline;

**Condition:** Prior to public construction plan approval or final plat approval, whichever comes first, the applicant shall identify the total number of dwelling units to be constructed within the subdivision.

**Condition:** If the cumulative vehicle trips resulting from the number of dwelling units identified by the applicant to be constructed within the subdivision pursuant to Condition 1 will result in 20 or more new daily trips, with credits for prior use, if applicable, construct a half-street improvement along the frontage of Kurth Street S to collector street standards, including a property line sidewalk, as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

**Condition:** If the cumulative vehicle trips resulting from the number of dwelling units identified by the applicant to be constructed within the subdivision pursuant to Condition 1 will result in less than 20 new daily trips, with credits for prior use, if applicable, along the entire frontage of Kurth Street S, construct additional pavement for a pedestrian access route to a width of 17 feet from the centerline as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The pavement shall be constructed according to PWDS for the grade and surface standards of a pedestrian access route.

Browning Avenue S abuts the subject property and does not meet the current standard for a collector street. Browning Avenue S is designated as a "Collector B" according to

the Salem TSP as there is a mapped bike route along this street. Bike lane and parking should be provided along the development side of the street pursuant to PWDS. Browning Avenue S to the west of the subject property is constructed with curbs and sidewalk; therefore, curb and sidewalk extension along the property frontage is warranted. As identified in the conditions of approval, the applicant is required to construct a half-street improvement along the entire frontage of Browning Avenue S to Collector Street standards. The proposed development is required to dedicate right-of-way equal to 30 feet from centerline on the development side of Browning Avenue S.

**Condition:** Convey land for dedication of right-of-way along the entire frontage of Browning Avenue S equal to 30 feet from centerline.

**Condition:** Construct a half-street improvement along the frontage of Browning Avenue S to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

The applicants site plan shows the extension of Mesa Street S to a cul-de-sac. The applicant requests an increased block length to allow Mesa Street S to cul-de-sac rather than extend through to Kurth Street S. The block length along Kurth Street S from Browning Avenue S to Warren Lane S will be approximately 814 feet, where the standard is 600 feet. In lieu of extending Mesa Street S to Kurth Street S, the applicant proposes a mid-block pedestrian connection. The mid-block pedestrian connection shall be designed in accordance with PWDS. A larger block length is authorized by the Director under SRC 803.030(b) because it accommodates for 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.

**Condition:** Dedicate right-of-way for the extension of Mesa Street S within the subject property as shown on the applicant's tentative plan.

**Condition:** Construct the extension of Mesa Street S to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

**Condition:** Dedicate a minimum 15-foot right-of-way for the mid-block bike/pedestrian connection from Mesa Street S to Kurth Street S.

**Condition:** Construct a mid-block bike/pedestrian connection from Mesa Street S to Kurth Street S, as shown on the applicant's tentative plan, and in accordance with PWDS.

Preliminary plans indicate that removal of street trees may be necessary to construct the required street improvements. Removal of trees located within the right-of-way requires a street tree removal permit pursuant to SRC Chapter 86. Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new



street trees to the maximum extent feasible.

**Condition:** Obtain street tree removal permits, as necessary, pursuant to SRC Chapter 86.

**Condition:** Install street trees to the maximum extent feasible along the Kurth Street S, Browning Avenue S, and Mesa Street S frontages.

**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**—The subject property is served by Sunnyslope Park, which is a park site located southwest of, and within a half-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 6-lot subdivision generates less than 1,000 average daily vehicle trips to the collector street system. Therefore, a TIA is not required as part of the proposed subdivision submittal.

Prepared by: Laurel Christian, Development Services Planner II  
cc: File