


TO: Peter Domine, Planner II
Community Development Department

FROM: Laurel Christian, Planner II
Public Works Department 

DATE: October 5, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
PARTITION PLAT NO. PAR-VUL23-06 (23-110200-PLN)
848 MILDRED LANE SE
2-PARCEL PARTITION**

PROPOSAL

A consolidated application to validate five units of land unlawfully created by deed and a tentative partition to create two parcels 1.58-acres in size and 3.11-acres in size. The subject properties of the proposed validation are a total of 4.7-acres in size, zoned RA (Residential Agriculture) and located at 848 Mildred Ln SE (Marion County Assessors Map and Tax Lot Numbers 083W15DC / 601, 701, 1600, 1400, 1200).

RECOMMENDED CONDITIONS OF APPROVAL

The following conditions of approval shall be completed prior to final plat approval:

1. Provide a 10-foot-wide public utility easement along the frontage of Mildred Lane SE.
2. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
3. Provide a conceptual engineered design of the horizontal and vertical alignment of the extension of Biltmore Avenue SE through the development site.
4. Dedicate a public roadway and utility easement for the future extension of Biltmore Avenue SE through the development site.

The following conditions of approval shall be completed prior to final plat approval, or delayed pursuant to an Improvement Agreement:

5. Obtain permits for installation of water services to serve Parcels 1 and 2.
6. Construct sewer services in the public right-of-way to serve Parcels 1 and 2.
7. Construct stormwater facilities that are proposed in the public right-of-way to serve Parcels 1 and 2.

The following conditions of approval shall be completed as a condition of future subdivision or lot development:

8. Prior to development or further division, 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.

FACTS

Streets

1. Mildred Lane 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 46-foot improvement within a 76-foot-wide right-of-way abutting the subject property.
2. Biltmore Avenue SE
 - 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 Conditions—This street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Mildred Lane SE.
- b. A 10-inch storm main is located at the intersection of Biltmore Avenue SE and Trology Street SE, approximately 90-feet west of the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the S-3 water service level.
- b. A 12-inch S-3 public water main is located in Mildred Lane SE.
- c. An 8-inch S-3 public water main is located in Biltmore Avenue SE.

Sanitary Sewer

1. Existing Sewer

- a. An 8-inch sewer main is located in Mildred Lane SE.
- b. A 4-inch sewer main is located in Biltmore Avenue SE.

CRITERIA AND FINDINGS

SRC 205.005(d) indicates 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 205.005(d)(1)—The tentative partition 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:

(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;

(B) City infrastructure standards; and

(C) 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 partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and

SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Maps and has determined that no regulated floodplain or floodway areas exist on the subject property.

A 10-foot-wide public utility easement (PUE) is required along the entire frontage of Mildred Lane SE pursuant to SRC 803.035(n). The PUE shall be shown on the final plat.

Condition: Provide a 10-foot-wide public utility easement along the frontage of Mildred Lane SE.

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

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 partition 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 requires no additional studies. The applicant provided a shadow plan for how the property could be divided in the future. Subdivision is classified as a 3-point activity and a moderate landslide risk. At such time the property is subdivided, a geotechnical report may be required.

SRC 205.005(d)(3)—Development within the tentative partition plan can be adequately served by City infrastructure.

Findings— The subject property is located outside of the Urban Services Area. Pursuant to SRC 200.020(a) an Urban Growth Preliminary Declaration is not required because land partitioning does not meet the definition of "development" established in SRC 200.005, relating to Urban Growth Area Management. At such time the property is further subdivided, an Urban Growth Preliminary Declaration may be required.

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 partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. All public

and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured prior to final plat approval except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). At time of further subdivision, additional water and sewer improvements may be necessary to serve additional lots.

Condition: Obtain permits for installation of water services to serve Parcels 1 and 2.

Condition: Construct sewer services in the public right-of-way to serve Parcels 1 and 2.

Condition: Construct stormwater facilities that are proposed in the public right-of-way to serve Parcels 1 and 2.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. Future development of each parcel will be subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. A stormwater design for the partition has not been reviewed or approved; rather, stormwater designs are being deferred to time of further subdivision. At time of future development, the parcels shall be required to comply with the stormwater standards in effect at time of development or further land division.

Condition: Prior to development or further division, 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.

Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. Proposed Parcel 1 does not have direct frontage on a street and will require easements for utilities and access. There is also an existing slope easement to the City of Salem along Mildred Lane SE, as shown on the applicant's tentative plan.

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

SRC 205.005(d)(4) and SRC 205.005(d)(5)—The street system in and adjacent to the tentative partition plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

Finding—Mildred Lane SE meets or exceeds the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development. No special setback is required

along Mildred Lane SE because the existing right-of-way meets or exceeds the standard for a minor arterial street.

Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, along Mildred Lane SE, the sidewalks were constructed at the curbline due to the topography of the property along the frontage. Therefore, the sidewalk may remain located along the curb line as needed pursuant to SRC 803.035(l)(2)(B).

Biltmore Avenue SE terminates at the western property boundary and is intended to extend through the development site for an eventual east-west connection to Stubb Street SE, southeast of the development site. The applicant provided a shadow plan that shows this eventual connection, however; it is not clear from the information submitted whether or not the design can conform to SRC Chapter 803 and PWDS for local street construction. Pursuant to SRC 803.035(a) local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. As a condition of approval, the applicant shall be required to provide a conceptual engineered design for the street through the development site that meets SRC Chapter 803 and PWDS for local street construction. Based on the approved design, the applicant shall also be required to dedicate an easement to the City for roadway and utilities that will be converted to right-of-way when parcel 2 is further subdivided and the street extension is constructed.

Condition: Provide a conceptual engineered design of the horizontal and vertical alignment of the extension of Biltmore Avenue SE through the development site.

Condition: Dedicate a public roadway and utility easement for the future extension of Biltmore Avenue SE through the development site.

SRC 205.005(d)(8)—When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

(A)The property is zoned residential;

(B)The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and

(C)The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.

Finding – The subject property will be served by public water and sewer; this criterion is not applicable.

SRC 205.040 - For partitions of residentially zoned property, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition.

Finding –As conditioned, the application meets the requirements of SRC Chapter 803 for a partition application.

The applicant submitted a shadow plat as part of the application which demonstrates how the property could be further divided. A utility plan for future division of the property has not been submitted. The shadow plat shows the extension of Biltmore Avenue through the development site as well as a new private street to provide frontage to additional lots. The Biltmore Avenue SE extension and the proposed private street do not meet minimum standards for local streets, identified in SRC Chapter 803 and the Public Works Design Standards. Specifically, the shadow plan shows the extension Biltmore Avenue SE within a 54-foot-wide right-of-way where 60-feet is required. The proposed Private Street is shown in a 50-foot-wide right-of-way with curblined sidewalks on one side of the street and no planter strips for street. A 50-foot-wide right-of-way may be approved for a dead-end street, however; no turnaround has been provided.

If at such time the property is further subdivided, staff will review the proposed development layout to ensure minimum utility and street design standards are met, unless a Design Exception or Alternative Street Standard is approved. Nothing in this decision precludes future development from complying with current standards.

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cc: File