

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame  
503-588-6173.*

## DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION CASE NO. SUB16-01

APPLICATION NO.: 16-106532-LD

NOTICE OF DECISION DATE: **AUGUST 15, 2016**

**APPLICATION SUMMARY:** A 25-lot subdivision on the south side of Center Street NE, just west of Salem Community of Christ church.

**REQUEST:** A tentative subdivision plan to divide approximately 4.71 acres into 26 lots ranging in size from 4,645 square feet to 9,310 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's Map and Tax Lot Number 072W30AA08000).

**APPLICANT:** JACK YARBROUGH

**LOCATION:** 4560 CENTER ST NE

**CRITERIA:** Salem Revised Code Chapter 205

**FINDINGS:** Findings are in the attached Findings and Order dated August 15, 2016.

**DECISION:** The Planning Administrator **GRANTED** Subdivision SUB16-01, subject to the following conditions of approval:

- Condition 1.** Obtain a demolition permit and remove the existing building on the property.
- Condition 2:** "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 3:** Vehicular and pedestrian connectivity is required to 46<sup>th</sup> Avenue NE. The applicant shall obtain applicable permits from Marion County to gain access across the existing 1-foot reserve strip on 46<sup>th</sup> Avenue NE.
- 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 **August 31, 2018**, or this approval shall be null and void.

Application Deemed Complete: June 14, 2016  
Notice of Decision Mailing Date: August 15, 2016  
Decision Effective Date: August 31, 2016  
State Mandate Date: October 12, 2016

Case Manager: Chris Green, [cgreen@cityofsalem.net](mailto:cgreen@cityofsalem.net) *CSG*

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., AUGUST 30, 2016**. 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 in SRC Chapter 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 305, 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. 16-01)

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

IN THE MATTER OF THE ) FINDINGS AND ORDER  
TENTATIVE APPROVAL OF )  
SUBDIVISION PLAT NO. 16-01; )  
4560 CENTER STREET NE ) AUGUST 15, 2016

**REQUEST**

A tentative subdivision plan to divide approximately 4.71 acres into 25 lots ranging in size from 4,645 square feet to 9,310 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 072W30AA08000).

**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:** Obtain a demolition permit and remove the existing building on the property.
- Condition 2:** "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 3:** Vehicular and pedestrian connectivity is required to 46<sup>th</sup> Avenue NE. The applicant shall obtain applicable permits from Marion County to gain access across the existing 1-foot reserve strip on 46<sup>th</sup> Avenue NE.
- 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 March 28, 2016, an application for a Tentative Subdivision Plan was filed proposing to divide a 4.71 acre property at 4560 Center Street NE (Attachment B) into 25 lots.
2. The application was deemed complete for processing on June 14, 2016. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on June 17, 2016. A revised notice was issued on June 20, 2016 to correct the listed owner of the property. The state-mandated local decision deadline is October 12, 2016.

### 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. In 2013, a two-year extension was granted for SUB11-01, and the approval expired in 2015. The configuration of SUB11-01 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.<sup>1</sup> 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 16, 17, and 18 and the east-west segment of the proposed internal street.

#### 2. Proposal

The tentative plan proposes to divide the property into 25 lots for residential development (Attachment B), with lots ranging in size from 4,645 square feet to 9,310

---

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

square feet. Of the 25 lots within the subdivision, 21 are proposed to take access directly from public streets and 4 lots take access from flag lot accessways.<sup>2</sup>

The proposal includes two points of connectivity to existing surrounding streets; an extension of Sphinx Drive NE is proposed through the property, connecting with 46<sup>th</sup> 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.

### **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.

*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:

---

<sup>2</sup> 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.

- 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 46<sup>th</sup> 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 46<sup>th</sup> 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.

46<sup>th</sup> 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 46<sup>th</sup> 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.

## 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 that fire hydrants are to be located within 600 feet of all structures, and within the subdivision shall comply with City standards. The Fire Department noted that the flag lot accessway serving Lots 18 and 19 shall require posting of "NO PARKING – FIRE LANE" signs.

**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, middle, and high school levels to serve future development within the proposed subdivision. 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.

**Portland General Electric (PGE)** reviewed the proposal and indicated that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement (PUE) is required on all front street lots

## 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.

**Interior Street Alignment Concerns:** In summary, ELNA's raises concerns that the radius of turns along the proposed internal street may cause vision clearance problems for motorists.

**Staff Response:** The Assistant City Traffic Engineer has reviewed the proposed street alignment and has found that the street system meets the approval criteria. Visibility along the 90-degree curves in the street is preserved through the vision clearance requirements established in SRC Chapter 805, which is monitored throughout the development process and after the homes are occupied in order to prevent obstructions that may compromise traffic safety. Driveways generally provide sufficient gaps between parked cars in order to maintain sufficient visibility. Additional safety measures can be installed over time if traffic safety problems are observed in the area.

## 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, two public comments were received:

- One public comment expressed general support for the proposal
- Salem Community of Christ owns the abutting property to the east (4750 Center Street NE / Tax Lot 072W30AA07800) and maintains a church on the north half of the lot. The church submitted a comment letter indicating possible future plans on the south portion of the lot, including an expansion of the existing church building, improvements to the south parking lot, and development of a playground. Comments from the church express concerns that a stub street to the east would separate the existing development from the remainder of the lot.

**Staff Response:** The applicant's revised proposal includes a segment of unimproved right-of-way extending eastward to the church property, rather than an improved street. Because a street or pedestrian connection at this location would only be improved if need to serve development on the church site, the proposal to dedicate unimproved right-of-way allows the church a full range of configurations in future development of the south half of their property.

## 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 25 lots with no remainder. 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)**

<b>Requirement</b>	<b>Minimum Standard</b>
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 4,482 square feet to 9,310 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 1-4 are double frontage lots. Each of the proposed double frontage lots is 120 feet in depth or greater.

**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, except for a single family residence on the western portion of the property. The applicant plans to remove this building prior to development. Relative to the tentative subdivision plan, the existing house would cross proposed lot lines and the proposed right-of-way for a portion of the internal street. In order to ensure that the subdivision complies with this provision upon recording of the plat, the following condition shall apply:

**Condition 1:** Obtain a demolition permit and remove the existing building on the property.

*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, 15, 17, 22, and 25 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 6 and 9 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. Both 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 2:** "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 6 and 19), 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 July 22, 2016 (Attachment D).

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

*SRC 803.015 (Traffic Impact Analysis):* 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.

*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 32-foot-wide improvement within a 70-to-83-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 46<sup>th</sup> Avenue NE. Right-of-way dedicated just to the north of lots 20 and 21, 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 17 and 18. 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.

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

**Condition 3:** Vehicular and pedestrian connectivity is required to 46<sup>th</sup> Avenue NE. The applicant shall obtain applicable permits from Marion County to gain access across the existing 1-foot reserve strip on 46<sup>th</sup> Avenue NE.

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. 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 (TCP11-01) was submitted in conjunction with the previous tentative subdivision plan approved on the subject property (SUB11-01). TCP11-01 identified two trees on the subject property, both proposed for removal, and was approved on November 3, 2011. Neither of the trees proposed for removal are significant trees, heritage trees, or within riparian corridors. There is no expiration date for tree conservation plans established in the UDC. Therefore, TCP11-01 remains in effect and a new tree conservation plan is not required with the subject tentative subdivision plan.

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 25 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 parcels 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.

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 17 and 18 will be 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 46<sup>th</sup> Avenue NE that is owned by Marion County. Vehicular and pedestrian connectivity is required to 46<sup>th</sup> Avenue NE. Condition 3 requires the applicant to obtain applicable permits from Marion County to gain access across the existing 1-foot reserve strip on 46<sup>th</sup> Avenue NE, thereby allowing the internal street to continue to the south and connect to 46<sup>th</sup> Avenue NE.

The applicant's site plan includes unimproved right-of-way between lots 17 and 18. 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 45<sup>th</sup> 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 25-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, 17, and 18 and 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 (TCP11-01) has been approved in conjunction with a similar tentative subdivision plan (SUB11-01) previously approved for the subject property. TCP11-01 identifies two trees on the subject property, both 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. 16-01, 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:** Obtain a demolition permit and remove the existing building on the property.

- Condition 2:** "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 3:** Vehicular and pedestrian connectivity is required to 46<sup>th</sup> Avenue NE. The applicant shall obtain applicable permits from Marion County to gain access across the existing 1-foot reserve strip on 46<sup>th</sup> Avenue NE.
- 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.



---

Christopher Green, AICP, Planning Administrator Designee

- 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

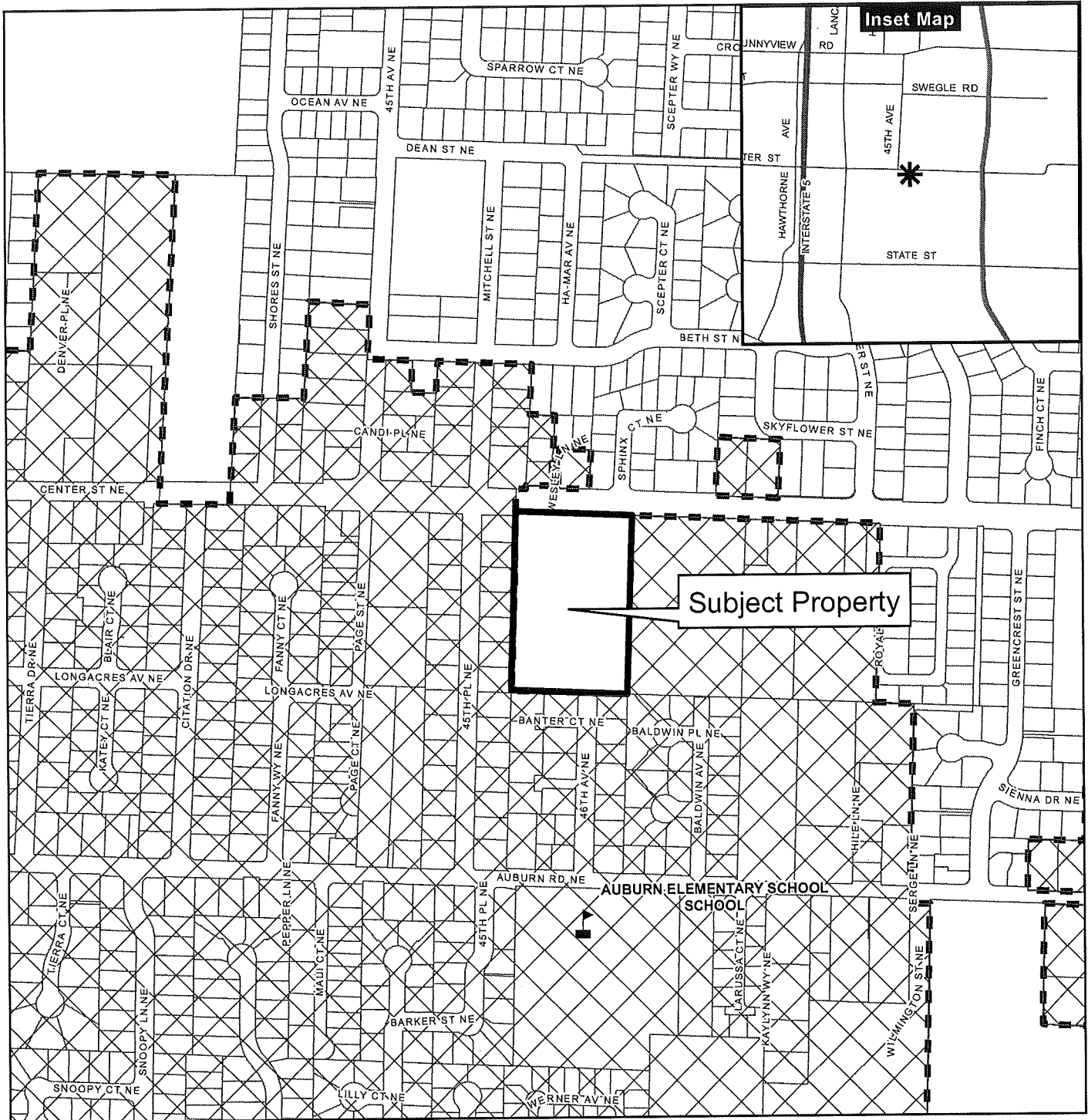
Application Deemed Complete: June 14, 2016  
Notice of Decision Mailing Date: August 15, 2016  
Decision Effective Date: August 31, 2016  
State Mandated Decision Date: October 12, 2016

The rights granted by this decision must be exercised or extension granted by August 26, 2018 or this approval shall be null and void.

A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Tuesday, August 30, 2016, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of 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 notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.








# Vicinity Map 4560 Center Street NE

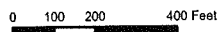


Subject Property

AUBURN ELEMENTARY SCHOOL

**Legend**

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



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



ATTACHMENT B

ATTACHMENT B



EXPIRES

DATE: 10/24/24

BELLE PLAINE ESTATES  
SUBDIVISION

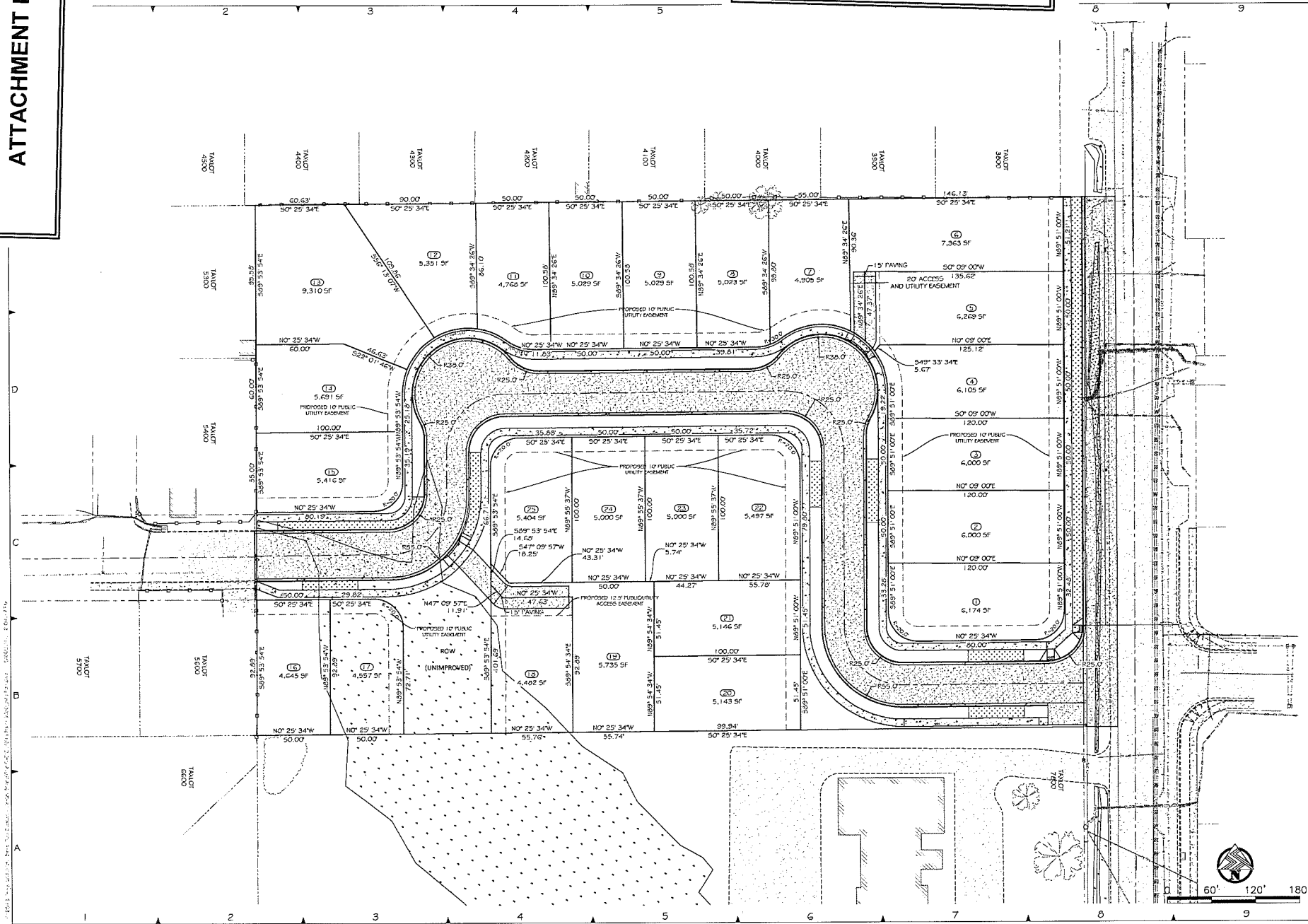
ENCORE  
DEVELOPMENT  
GROUP, LLC



NO.	DATE	DESCRIPTION
1	10/24/24	ISSUED FOR PERMIT
2	10/24/24	ISSUED FOR PERMIT
3	10/24/24	ISSUED FOR PERMIT
4	10/24/24	ISSUED FOR PERMIT
5	10/24/24	ISSUED FOR PERMIT
6	10/24/24	ISSUED FOR PERMIT
7	10/24/24	ISSUED FOR PERMIT
8	10/24/24	ISSUED FOR PERMIT
9	10/24/24	ISSUED FOR PERMIT
10	10/24/24	ISSUED FOR PERMIT
11	10/24/24	ISSUED FOR PERMIT
12	10/24/24	ISSUED FOR PERMIT
13	10/24/24	ISSUED FOR PERMIT
14	10/24/24	ISSUED FOR PERMIT
15	10/24/24	ISSUED FOR PERMIT
16	10/24/24	ISSUED FOR PERMIT
17	10/24/24	ISSUED FOR PERMIT
18	10/24/24	ISSUED FOR PERMIT
19	10/24/24	ISSUED FOR PERMIT
20	10/24/24	ISSUED FOR PERMIT
21	10/24/24	ISSUED FOR PERMIT
22	10/24/24	ISSUED FOR PERMIT
23	10/24/24	ISSUED FOR PERMIT
24	10/24/24	ISSUED FOR PERMIT
25	10/24/24	ISSUED FOR PERMIT
26	10/24/24	ISSUED FOR PERMIT
27	10/24/24	ISSUED FOR PERMIT
28	10/24/24	ISSUED FOR PERMIT
29	10/24/24	ISSUED FOR PERMIT
30	10/24/24	ISSUED FOR PERMIT
31	10/24/24	ISSUED FOR PERMIT
32	10/24/24	ISSUED FOR PERMIT
33	10/24/24	ISSUED FOR PERMIT
34	10/24/24	ISSUED FOR PERMIT
35	10/24/24	ISSUED FOR PERMIT
36	10/24/24	ISSUED FOR PERMIT
37	10/24/24	ISSUED FOR PERMIT
38	10/24/24	ISSUED FOR PERMIT
39	10/24/24	ISSUED FOR PERMIT
40	10/24/24	ISSUED FOR PERMIT
41	10/24/24	ISSUED FOR PERMIT
42	10/24/24	ISSUED FOR PERMIT
43	10/24/24	ISSUED FOR PERMIT
44	10/24/24	ISSUED FOR PERMIT
45	10/24/24	ISSUED FOR PERMIT
46	10/24/24	ISSUED FOR PERMIT
47	10/24/24	ISSUED FOR PERMIT
48	10/24/24	ISSUED FOR PERMIT
49	10/24/24	ISSUED FOR PERMIT
50	10/24/24	ISSUED FOR PERMIT
51	10/24/24	ISSUED FOR PERMIT
52	10/24/24	ISSUED FOR PERMIT
53	10/24/24	ISSUED FOR PERMIT
54	10/24/24	ISSUED FOR PERMIT
55	10/24/24	ISSUED FOR PERMIT
56	10/24/24	ISSUED FOR PERMIT
57	10/24/24	ISSUED FOR PERMIT
58	10/24/24	ISSUED FOR PERMIT
59	10/24/24	ISSUED FOR PERMIT
60	10/24/24	ISSUED FOR PERMIT
61	10/24/24	ISSUED FOR PERMIT
62	10/24/24	ISSUED FOR PERMIT
63	10/24/24	ISSUED FOR PERMIT
64	10/24/24	ISSUED FOR PERMIT
65	10/24/24	ISSUED FOR PERMIT
66	10/24/24	ISSUED FOR PERMIT
67	10/24/24	ISSUED FOR PERMIT
68	10/24/24	ISSUED FOR PERMIT
69	10/24/24	ISSUED FOR PERMIT
70	10/24/24	ISSUED FOR PERMIT
71	10/24/24	ISSUED FOR PERMIT
72	10/24/24	ISSUED FOR PERMIT
73	10/24/24	ISSUED FOR PERMIT
74	10/24/24	ISSUED FOR PERMIT
75	10/24/24	ISSUED FOR PERMIT
76	10/24/24	ISSUED FOR PERMIT
77	10/24/24	ISSUED FOR PERMIT
78	10/24/24	ISSUED FOR PERMIT
79	10/24/24	ISSUED FOR PERMIT
80	10/24/24	ISSUED FOR PERMIT
81	10/24/24	ISSUED FOR PERMIT
82	10/24/24	ISSUED FOR PERMIT
83	10/24/24	ISSUED FOR PERMIT
84	10/24/24	ISSUED FOR PERMIT
85	10/24/24	ISSUED FOR PERMIT
86	10/24/24	ISSUED FOR PERMIT
87	10/24/24	ISSUED FOR PERMIT
88	10/24/24	ISSUED FOR PERMIT
89	10/24/24	ISSUED FOR PERMIT
90	10/24/24	ISSUED FOR PERMIT
91	10/24/24	ISSUED FOR PERMIT
92	10/24/24	ISSUED FOR PERMIT
93	10/24/24	ISSUED FOR PERMIT
94	10/24/24	ISSUED FOR PERMIT
95	10/24/24	ISSUED FOR PERMIT
96	10/24/24	ISSUED FOR PERMIT
97	10/24/24	ISSUED FOR PERMIT
98	10/24/24	ISSUED FOR PERMIT
99	10/24/24	ISSUED FOR PERMIT
100	10/24/24	ISSUED FOR PERMIT

SITE PLAN

C-1.05



**BELLE PLAINE ESTATES APPLICATION NARRATIVE**

March 25, 2016

**SITE INFORMATION.** The site is generally located south of Center Street NE, west of Cordon Road NE, and east of 45<sup>th</sup> Avenue NE. The tax map and lot numbers for the site are 072W30AA 08000.

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.

Belle Plaine Estates was originally approved on November 3, 2011, Application No. 11-112375-LD by the City of Salem. A time extension was granted on this approval, which expired on November 19, 2015. Unfortunately, the property owner did not become aware of the expiration of the time extension until after the November 19, 2015 date. The City has determined the subdivision application for the site is no longer valid and if the owner desires to develop the property a new subdivision application needs to be submitted to the city. This application is submitted as a result of the expired subdivision approval.

The site design generally follows the same design as the original subdivision approval with the exception of a couple of items. The Toth 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 impact by this street stub based on future development of the adjoining property. In addition, the lot count has been reduced from the original lot count of 30 lots to 26 lots. Other than these two items, the subdivision design remains unchanged from the original design.

The applicant proposes 26 single-family lots on the 4.71-acre site and the proposed density of the site is approximately 5.5 lots per acre. Four of the lots are designed as flag lots, but do not exceed the 15% maximum requirement of the total lots within a subdivision. 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 occurring in an off-site wetland mitigation bank. A Joint Permit Application has been submitted to the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (Corps) to permit the wetland impact. DSL has reviewed the wetland delineation for the site and has concurred and approved the wetland boundaries per a letter dated May 20, 2015. The lot and street layout was presented to both DSL and the Corps, due to the presence of wetlands, and has support from both organizations so long as the Toth Street stub is eliminated from the design. The Joint Permit Application was submitted to DSL and the Corps in October, 2015 and is currently undergoing review by the Corps. DSL has tentatively approved the wetland fill permit subject to purchase of mitigation credits in an approved wetland mitigation bank. The applicant is currently pursuing the mitigation credit purchase.

**WRITTEN STATEMENT.** 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)).

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:

March 7, 2016

- 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 to item 1:** *The proposed tentative subdivision plan complies with the applicable provisions of the Salem Revised Code (SRC) which includes the UDC in regards to the lot area and dimensions (Chapter 510 SRC) within the RS zone. 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 Belle Plain Subdivision Concept Plan, the smallest lot proposed is 4,645-square feet and the largest lot proposed is 9,310-square feet with the average lot size being 5,003-square feet. All lots have a minimum of 40-feet of frontage and the knucklehead bulbs have a minimum of 30-feet at the property line and a minimum of 40-feet at the front building setback line. All lots have a minimum 40-feet width and a 70-feet in depth.*

*The tentative subdivision plan complies with City of Salem Public Works infrastructure standards, including the proposed stormwater management system. The local street, 46<sup>th</sup> 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.*

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

*The storm sewer system for the site is designed as agreed to by the City Engineering Department and Project Delivery Group during a meeting at the city on September 20, 2014. The purpose of the meeting was to determine the city design standards to use for two areas of the site. The City and Project Delivery Group agreed that the southern 3.9 acres of the site will be designed in accordance with the 2007 Design Standards. The northern 1.0 acres of the site which drain towards Center Street will be designed in accordance with the 2014 Design Standards. The storm sewer system for the site has been designed in accordance with these standards.*

*The Preliminary Drainage Report is included with this submittal.*

*The applicant is requesting that the design of the storm sewer system for the site be allowed to meet the above mentioned design standards.*

*According to the City of Salem Floodplain Map, the proposed development is not in a mapped flood plain 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 to item 2:** *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. However, DSL and the Corps have stated that they will not permit filling of the wetlands located in the southeast corner of the site in order to allow the Toth Street stub, which was included in the original subdivision approval to be extended from 46<sup>th</sup> Avenue NE to the church property. As discussed previously in the Site Information section of this narrative, the Toth Street stub to the east church property has been eliminated from the current design. The City of Salem planning staff has requested that the applicant provide a street stub to the east church property north of the on-site wetlands and the original Toth Street stub location so that no on-site wetlands are impacted by the street stub and future street connectivity can be provided through the church property.*

*The most logical place to provide a connection to the church property from 46<sup>th</sup> Avenue NE is at the location where 46<sup>th</sup> Avenue NE makes the 90 degree bend just before connecting to Center Street NE; however, due to the existence of the church building and parking areas, it is not possible to provide access to the church property at this location. South of this location and north of the on-site wetlands and the original Toth Street stub location lies a very small area where a street stub could be stubbed to the church property; however, the church has plans to expand in the future and this area of the church property would be encumbered with the church building expansion and parking area expansion.*

*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 as Attachment A.*

*The elimination of a street stub from 46<sup>th</sup> 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. Please see the future development plan for more information regarding the church expansion.*

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

***Applicant's Response to item 3:*** *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 46<sup>th</sup> 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. 46<sup>th</sup> Avenue NE is a local street and will be continued through the site connecting with Center Street NE directly opposite of Sphinx Drive. 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*

March 7, 2016

*applicant will construct improvements for curb and sidewalk which will comply with the City of Salem Transportation System Plan for a major arterial.*

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

***Applicant's Response to item 4:*** *The extension of 46<sup>th</sup> 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 so as to provide for the safe, orderly, and efficient circulation of traffic into, through and out of the subdivision.

***Applicant's Response to item 5:*** *The extension of 46<sup>th</sup> 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 46<sup>th</sup> 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 items 6:*** *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 68-foot wide curbed improvement, centered within the right-of-way. This improvement will include a bicycle lane and sidewalks which meet the ADA requirements. The applicant will comply with the requirements of the TSP and make improvements to Center Street NE on the development side of the street.*

*To the south of the subject property is 46<sup>th</sup> Avenue NE. 46<sup>th</sup> Avenue NE 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 46<sup>th</sup> Avenue NE to Center Street NE and will have the required curbed and sidewalk improvement. Thus providing safe, orderly and efficient circulation of traffic into, through and out of the subdivision. Together, the Center Street NE and 46<sup>th</sup> Avenue NE improvements will provide improved pedestrian, bicycle, and vehicular circulation between the new and existing subdivision areas. Additionally, with the extension of 46<sup>th</sup> Avenue NE, contiguous sidewalks will be available from the proposed subdivision to Auburn Elementary School.*

March 7, 2016

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

**Applicant's Response to item 7:** 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.

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 to items 8:** On November 3, 2011, the City of Salem approved a tree conservation plan for this site (Subdivision Case No. SUB11-01). There are a total of 2 trees on the property, as noted in the previously approved tree conservation plan. The site does not have any significant or heritage trees or riparian corridors on the site. Both trees on the site (one Walnut tree and one Pine tree) are to be removed as these trees are located on land to be dedicated as public right-of-way along Center Street NE. The excavation and paving as well as the relocation of the fire hydrant will cause significant damage to the root systems of these trees which necessitates their removal. 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.

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 to items 9:** On November 3, 2011, the City of Salem approved a tree conservation plan for this site (Subdivision Case No. SUB11-01). There are a total of 2 trees on the property, as noted in the previously approved tree conservation plan. The site does not have any significant or heritage trees or riparian corridors on the site. Both trees on the site (one Walnut tree and one Pine tree) are to be removed as these trees are located on land to be dedicated as public right-of-way along Center Street NE. The excavation and paving as well as the relocation of the fire hydrant will cause significant damage to the root systems of these trees which necessitates their removal. 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.

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 to item 10:** An Urban Growth Preliminary Declaration application is not required for this subdivision because the property is within the Urban Service Area.

## ATTACHMENTS.

Attachment A – Salem Community of Christ Future Development Letter

March 5, 2016

Bryce Bishop

City of Salem Planning

555 Liberty St SE

Salem OR 97301

RE: Salem Community of Christ Future Development

Dear Mr. Bishop:

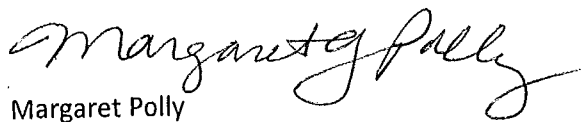
I appreciate you including input from Salem Community of Christ in your decision making regarding the development which will be contiguous to our property at 4570 Center St. NE.

As per my discussion with you and Lisa, I want to reiterate our need to retain flexibility to expand our church through additions to our current building and by expanding and making improvements to our south parking lot.

The City of Salem is requiring the developer of the subdivision to include a stub street, to the east, in their design. Requiring the developer to include the stub street will eliminate our ability to expand our church in the manner which we anticipate. We also do not want any street separating us from any section of our wetlands, in case we develop that area for a playground.

Thank you again for your time in reviewing this letter and your consideration of our concerns for the future of our neighborhood and church.

Sincerely,



Margaret Polly

Representative for Salem Community of Christ

Cc: Pastorate, McFarlin, Bessonette

RECEIVED  
MAR 09 2016  
COMMUNITY DEVELOPMENT



# MEMO

**TO:** Christopher Green, Planner II  
Community Development Department

**FROM:** *GD* Glenn Davis, PE, CFM, Chief Development Engineer  
Public Works Department

**DATE:** July 22, 2016

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
SUBDIVISION PLAT NO. 16-01 (16-106532-LD)  
4560 CENTER STREET NE  
25-LOT SUBDIVISION

*GD*

RECEIVED  
JUL 22 2016  
COMMUNITY DEVELOPMENT

**PROPOSAL**

A tentative subdivision plan to divide approximately 4.71 acres into 26 lots ranging in size from 4,645 square feet to 9,310 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 072W30AA08000).

**RECOMMENDED CONDITIONS OF PLAT APPROVAL**

1. Obtain a demolition permit and remove the existing building on the property.
2. Vehicular and pedestrian connectivity is required to 46<sup>th</sup> Avenue NE. The applicant shall obtain applicable permits from Marion County to gain access across the existing 1-foot reserve strip on 46<sup>th</sup> Avenue NE.
3. Convey land for dedication to equal 48-feet from the centerline of Center Street NE.
4. Construct a 23-foot-wide half-street improvement along the entire frontage of Center Street Avenue NE.
5. Construct an eastbound to northbound left-turn lane and a westbound to southbound left-turn lane at the Center/Sphinx intersection. The turn lanes shall include 40 feet of storage and tapers as specified in the PWDS.
6. Dedicate a 10-foot public utility easement (PUE) along the street frontage of all internal streets.

Code authority references are abbreviated in this document as follows: Salem Revised Code (SRC); Public Works Design Standards (PWDS); Salem Transportation System Plan (Salem TSP); and Stormwater Management Plan (SMP).



**FACTS**

1. Center Street NE

- a. Existing Conditions—This street has an approximate 32-foot improvement within a 70- to 83-foot-wide right-of-way abutting the subject property.
- b. 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.

2. 46<sup>th</sup> Avenue NE

- a. Existing Conditions—This street has an approximate 32-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
- b. 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.

**Storm Drainage**

1. Existing Conditions

- a. There is an existing open roadside ditch along the Center Street NE frontage that appears to drain to the east.
- b. There is an existing drainage ditch located in the southeast portion of the subject property. This ditch appears to be feed by the existing Marion County public main in 46<sup>th</sup> Avenue NE, and drains the northeast.
- c. There is an existing 12-inch storm public main located on the north side of Center Street NE.

**Water**

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. There is a 12-inch public City of Salem waterline located on the north side of Center Avenue NE.
- c. There is a 6-inch Suburban East Salem Water District main located in 46<sup>th</sup> Avenue NE.

## Sanitary Sewer

### 1. Existing Sewer

- a. There is a 15-inch sanitary sewer main located in Center Street NE that was constructed in 2009. There is also an older parallel 8-inch sanitary sewer main located in Center Avenue NE.

## Parks

### 1. Existing Conditions

- a. Weathers Street Park is located approximately one-half mile to the northwest of the subject property.
- b. Royal Oaks Park is located approximately one-half mile to the northeast of the subject property.

## CRITERIA AND FINDINGS

SRC 205.010(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 205.010(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:

- 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).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no areas of landslide susceptibility on the subject property.

The Oregon Department of State Lands submitted a response indicating that state wetland/fill permits are required because of wetlands present on the property.

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

**Findings**—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 PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots.

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.

**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. 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 NE in the vicinity of the subject property.

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 Center/Sphinx intersection. The turn lanes shall include 40 feet of storage and tapers as specified in the 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 46<sup>th</sup> Avenue NE that is owned by Marion County. Vehicular and pedestrian connectivity is required to 46<sup>th</sup> Avenue NE. The applicant shall obtain applicable permits from Marion County to gain access across the existing 1-foot reserve strip on 46<sup>th</sup> Avenue NE.

The applicant's site plan includes unimproved right-of-way between lots 17 and 18. 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**—The Comprehensive Parks Master Plan Update shows that the subject property is served by developed parks. Weathers Street Park and Royal Oaks Park are both developed parks located approximately one-half mile from the subject property. Pedestrian sidewalk connections are available from the subject property to the park.

**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 CITIZEN CONCERNS:**

Summarized below are comments received from the East Lancaster Neighborhood Association, followed by staff responses:

#### 1. Wetlands and drainage:

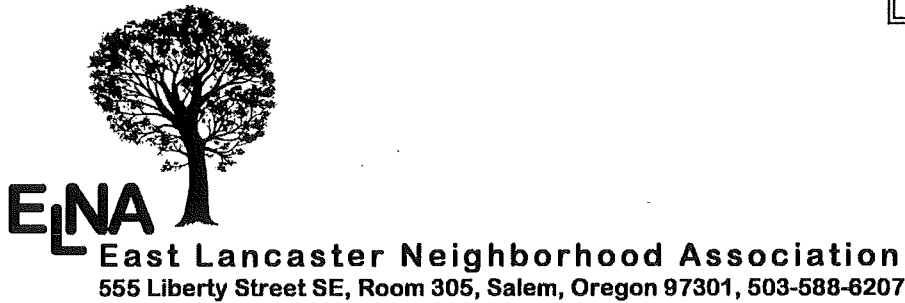
Wetland fill permits are regulated at the state and federal level. Pursuant to the City's involvement in wetland fill permits is limited as described in SRC 809.025, City

staff sent notification to the Oregon Department of State Lands, who returned a response notifying the applicant that wetland fill permits are required. Based on discussions with wetland permit staff at the federal level, wetlands are being preserved to the greatest extent possible by delaying street improvements in the street connection toward the east. 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 response is available for the applicant's engineer to review and consider as part of the stormwater design.

## 2. Interior street alignment concerns

The Assistant City Traffic Engineer has reviewed the proposed street alignment and has found that the street system meets the approval criteria. Visibility along the 90-degree curves in the street is preserved through the vision clearance requirements in SRC Chapter 805, which is monitored throughout the development process and after the homes are occupied in order to prevent obstructions that may compromise traffic safety. Driveways generally provide sufficient gaps between parking cars to in order to maintain sufficient visibility. Additional safety measures can be installed over time if traffic safety problems are observed in the area.



July 5, 2016

To: Chris Green, Case Manager, City of Salem Planning Division  
From: Susann Kaltwasser, co-chairperson, ELNA  
RE: Subdivision Case No. 16-01 located at 4560 Center Street NE

On behalf of the East Lancaster Neighborhood Association as the co-chairperson and the land use representative, I have reviewed the subdivision at 4560 Center Street NE. – Subdivision Case No. 16-01 and submit the following comments.

The neighborhood association board had a preliminary presentation on the proposal back in March. At the time we expressed concern about the plan to build houses on the wetlands in this area. The plat shows two lots on the existing wetlands. The applicant representative at the time, Don Jensen, indicated that they planned to mitigate the wetlands prior to building the houses. It was explained that some of the neighbors are aware that the wetlands is part of the headwaters of the North Fork of the Little Pudding River and it will be difficult to fully mitigate the wetlands.

In this area the water table is very shallow and this is what creates the wetlands. It is not caused by water being trapped in a shallow due to rain, but rather it is the ground water accumulating from below and in the vicinity to create the wetlands. These wetlands once covered in large lakes throughout the area. In the 1960s Marion County attempted to drain the area for farming and residential development by "ditching" the area. In part this was successful for farming purposes, but once houses have been placed in the area and more and more impervious materials have been introduced, the streambeds have had to be enlarged to accommodate the increased run off. However, flooding still happens in this area when we get heavy rains, as seen in 1996.

Unfortunately all of the water cannot be made to drain into the artificial waterways. The natural tendency is for lakes and streams to continue under the houses.

I have lived in and currently own a house in this area since 1980. I have been the land use person for ELNA since 1992. In that time I have witnessed many subdivisions being built in the area. Water has been a constant issue. Multiple engineers have used a variety of techniques to address standing water issues as well as attempted to mitigate wetlands.

Some have been successful, but others have not. The most successful mitigation plans have been to create retention ponds on wetlands. Drainage strategies have had minimal success over time. Some subdivisions have even had houses flooded during significant rainy periods.

Currently we are experiencing a relatively dry period, so it may not be clear what the long-term conditions are on this section of the subdivision. It will be very difficult for an engineer not familiar and not have long-term data to calculate what is necessary to mitigate the wetlands.

A few years back a similar subdivision was built in a wetlands area. The first rainy weather proved a disaster for several homes that flooded. The contractors were required to remediate the damage to several homes. One flooded a second time and the homeowner sued to have them buy back the home. That contractor subsequently sued the City of Salem for issuing the permits. They made the point that the contractor believed that once the City had approved a subdivision plan, they were ensuring that the land was developable. Then once the City issued a permit and then when the inspectors signed off on the construction, the City assumed liability for those decisions. The case was I believe settled out of court, but a staff person was held accountable for the erroneous assumptions.

I note this because if the City moves forward with this proposed plan, they must do so with the understanding that they assume the liability for the potential flooding of the houses.

It is not possible from the map provided whether the plot next to No 17 is going to be used for this purpose, but it still leaves a question about lot 17's mitigation plan, but ELNA hopes that you will proceed with all due diligence to not leave the homeowners in the vicinity of the wetlands in danger of flooding.

Part of the problem is that nature of the area. The other part is the fact that the City's jurisdiction is limited to just 18 inches below grade. If the developer is order to add fill to raise the land up to a dry level (determined a bit arbitrarily) the actual contractor will still have to go down to the solid ground of the original subsoil in order to set the footings. Thus digging below the fill. This will likely mean that the foundation will be built below the water table during wet periods.

Historically many of the homes in the Royal Oaks and near by subdivisions over the years have had to put sump pumps under their houses in order to maintain dry foundations. This is likely to be the case here. One approach might be to require that these lots have sump pumps. The other would be to not allow for them to be built and to require a retention pond instead.

Second concern is the street. Putting curves in subdivisions that are essentially 90-degree turns has proven to create sight issue for the residents in other subdivisions. It adds to

long-term safety issues for neighbors. If there are to be sharp curves we need to limit the on street parking to increase visibility.

Thank you for your consideration of the neighborhood association's concerns in this matter.