

## Legislation Details (With Text)

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**File #:** 19-624      **Version:** 1

**Type:** Action Item      **Status:** Passed

**In control:** City Council

**On agenda:** 1/27/2020      **Final action:** 1/27/2020

**Title:** Construction of previously deferred street improvements abutting 1515 Boone Road SE.

Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Morningside  
Result Area(s): Welcoming and Livable Community

**Sponsors:****Indexes:****Code sections:**

**Attachments:** 1. Attachment 1\_Location Map\_1515 Boone Rd SE, 2. Attachment 2 - Deferral Agreement, 3. Attachment 3 - Sky Meadows, 4. Attachment 4 - SUB19-01, 5. Attachment 5 - Letter to Property Owner

Date	Ver.	Action By	Action	Result
1/27/2020	1	City Council	approved	

**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Peter Fernandez, PE, Public Works Director

**SUBJECT:**

Construction of previously deferred street improvements abutting 1515 Boone Road SE.

Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Morningside  
Result Area(s): Welcoming and Livable Community

**ISSUE:**

Shall Council require construction of deferred street improvements abutting 1515 Boone Road SE?

**RECOMMENDATION:**

Require construction of deferred street improvements abutting 1515 Boone Road SE.

## **SUMMARY:**

In 1983, property owners of 1515 Boone Road SE agreed to improve the abutting portion of the street when the City determined there was a public need for the improvement. Coordinating the deferred street improvements with street work being completed by subdivision developments in the area will prevent leaving a 100-foot-long unimproved portion of Boone Road SE. The 100 feet would be the only unimproved gap along the north side of Boone Road SE for one-quarter mile between Commercial Street SE and the subject property (Attachment 1).

## **FACTS AND FINDINGS:**

In 1983, the property owner of 1515 Boone Road SE entered into a Minor Partition Street Improvement Agreement with the City of Salem, agreeing to construct street improvements later at Council's sole discretion. As a condition of Minor Partitioning Plat 83-12M located at 1515 Boone Road SE, the petitioners were required to enter into a Minor Partition Street Improvement Agreement [also known as a deferral agreement] as recorded in Reel 324, Page 863 of Marion County Records (Attachment 2). The agreement specifies that Council has sole discretion to determine when there is a public need for the street improvement and to direct the owner to promptly construct the street improvement after receiving written notice from the City.

On November 13, 2018, Council granted tentative approval of Sky Meadows subdivision located at 1395 Boone Road SE (Attachment 3). Condition 8 of the decision requires street improvements to be constructed along Boone Road SE. The developer submitted construction plans on January 31, 2019. Construction permits have not yet been issued.

On March 8, 2019, the Planning Administrator granted tentative approval of Subdivision Case SUB19-01 located at the 1495 Boone Road SE. Condition 3 of the decision requires street improvements to be constructed along Boone Road SE (Attachment 4). Construction plans have not yet been submitted to the City.

The property owner of 1515 Boone Road SE has several options for completing the street improvement: (a) Coordinate with the developer of the Sky Meadows subdivision to complete the street improvements in conjunction with the subdivision improvements; (b) Coordinate with the developer of subdivision SUB19-01 to complete the street improvements in conjunction with the subdivision improvements; (c) Initiate completion of the street improvement as an independent project as specified in SRC Chapter 77; or (d) Pay the City to complete the improvements.

Subject to Council approval of the staff recommendation, staff will notify the property owner immediately, so the owner has all available options for completing the street improvements. The property owner may be able to reduce construction costs by coordinating the improvements with one of the two developers who are completing Boone Road SE street improvements in the vicinity of the subject property. The property owner of 1515 Boone Road SE is not required to construct the street improvements immediately but is required to complete the improvements no greater than 180 days after Boone Road SE street improvements are completed by the two subdivision developments adjacent to the subject property.

## **BACKGROUND:**

The City routinely enters into deferral agreements with property owners when boundary street improvements are required in conjunction with development projects. Boundary street improvements are more effective when constructed as part of a larger street improvement project. In some cases, fragmented construction of boundary streets serves little benefit at the time of a development project. In these cases, property owners enter into a deferral agreement in lieu of constructing street improvements at the time of development.

Two vacant properties adjacent to 1515 Boone Road SE are in the process of development as residential subdivisions. Each development is required to construct street improvements along Boone Road SE. Once those developments are completed, there will be a continuous sidewalk connection along the north side of Boone Road SE for approximately one-half mile between Commercial Street SE and Kinsington Street SE, except for 100-foot-long gap in front of 1515 Boone Road SE.

Robert D. Chandler, PhD, PE  
Assistant Public Works Director

### **Attachments:**

1. Location Map
2. Deferral Agreement
3. Sky Meadows
4. SUB09-01