

## Legislation Details (With Text)

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**Type:** Public Hearings **Status:** Passed

**In control:** City Council

**On agenda:** 4/25/2022 **Final action:** 4/25/2022

**Title:** City Council review of Phased Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration and Class 2 Adjustment approval (SUB-UGA-ADJ22-01) for property located at 2527 Robins Lane SE.

Ward(s): 4  
Councilor(s): Leung  
Neighborhood(s): South Gateway Neighborhood Association (SGNA)  
Result Area(s): Welcoming and Livable Community

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map, 2. SUB-UGA-ADJ22-01 Decision, 3. Public Comments, 4. Additional Public Comment received 4-18-2022.pdf, 5. Public Comments received by 10:00 a.m., 4-25-2022.pdf, 6. Public Comments received by 3:45 p.m., 4-25-2022.pdf, 7. Public Comments received by 5:00 p.m., 4-25-2022.pdf

Date	Ver.	Action By	Action	Result
4/25/2022	1	City Council	approved	Pass

**TO:** Mayor and City Council

**THROUGH:** Kristin Retherford, Interim City Manager

**FROM:** Norman Wright, Community Development Director

**SUBJECT:**

City Council review of Phased Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration and Class 2 Adjustment approval (SUB-UGA-ADJ22-01) for property located at 2527 Robins Lane SE.

Ward(s): 4  
Councilor(s): Leung  
Neighborhood(s): South Gateway Neighborhood Association (SGNA)  
Result Area(s): Welcoming and Livable Community

**SUMMARY:**

City Council review of an approved subdivision and associated land use applications creating 178 single family lots ranging in size from 5,000 to 19,283 square feet in three phases of development for property located at 2527 Robins Lane SE.

## **ISSUE:**

Shall the City Council affirm, modify, or reverse the Planning Administrator's decision approving phased subdivision tentative plan, urban growth area preliminary declaration, and class 2 adjustment case no. SUB-UGA-ADJ22-01?

## **RECOMMENDATION:**

Affirm the Planning Administrator's decision approving phased subdivision tentative plan, urban growth area preliminary declaration, and class 2 adjustment case no. SUB-UGA-ADJ22-01.

## **FACTS AND FINDINGS:**

1. On November 4, 2021, a consolidated application for a Phased Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration and Class 2 Adjustment was filed for a proposal to divide approximately 41.62 acres located at 2527 Robins Lane SE (Attachment 1) into 178 single family lots in three phases of development.
2. After receiving missing information, the consolidated application was deemed complete for processing on January 13, 2022. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on January 13, 2022, and public notice was posted on the subject property on January 14, 2022 pursuant to SRC 300.520(b)(2).
3. On February 22, 2022 the 120-day state-mandated local decision deadline was extended by the applicant from May 13, 2022 to June 12, 2022.
4. On March 14, 2022 the Planning Administrator issued a decision approving the 178-lot Phased Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration and Class 2 Adjustment (Attachment 2).
5. At the March 28, 2022 regularly scheduled meeting, the City Council voted to initiate review of the Planning Administrator's decision.

## **BACKGROUND:**

Notice of the application was provided to the South Gateway Neighborhood Association, property owners and tenants within 250 feet of the subject property and posted notice was provided on each street frontage. No comments were received from the South Gateway Neighborhood Association during the public comment period. Testimony was received from six citizens during the public comment period. In addition, five comments were received following the issuance of the Planning Administrator's decision, including comments received from the South Gateway Neighborhood Association. Public testimony is included as Attachment 3. A summary of the questions and concerns raised in the comments is included below, followed by a response from staff.

- a) **Robins Lane Current Conditions:** Comments submitted expressed concerns that there is currently a large number of housing developments which use Robins Lane SE as the primary access to Commercial Street SE. Along Robins Lane it is common for vehicles to exceed marked speed limits, for pedestrians to cross the street in unmarked areas, and for vehicles to park in bike lanes.

**Staff Response:** Robins Lane SE is designated as a collector street. It is posted 25 MPH with one sign approximately 100 feet Commercial Street SE for eastbound traffic and the other sign is located near the entrance to the Oak Hollow manufactured home park for westbound traffic. In September 2021 the City collected traffic data at two locations on Robins Lane SE. One near the intersection with Commercial, and the other east of Terrace Lake Blvd SE. The data shows there were about 2,500 vehicles per day on Robins Lane near the intersection with Commercial Street. The other count location shows there were over 1,000 vehicles per day. The data also showed the 85<sup>th</sup>-percentile speed of the vehicles on the road was over 30 MPH. Speeding vehicles cannot be attributed to cut-through traffic. Because Robins Lane is classified as a collector, it is not eligible for speed humps.

The Salem Transportation Plan (TSP) Table 3-1 describes the street classification system and basic design guidelines. For collector streets, the TSP states, "Primarily distributes traffic between neighborhoods, activity centers, and the arterial street system. Secondly provides property access." Per the TSP, the ultimate ADT (average daily traffic) for collector streets is between 1,600 and 10,000 vehicles per day. Collector streets have bicycle lanes as identified in the Salem TSP Bicycle Plan Map. On-street parking is allowed where it is possible, but typically not when bike lanes are constructed. Robins Lane meets the design standards for a collector street. It was constructed to City of Salem standards; it is 34 feet wide with 6-foot bike lanes on both sides within a 60-foot wide right-of-way.

In areas of dense development, overflow parking will often spill out onto the adjacent streets. In this case Robins Lane. Parking is not allowed on Robins Lane because of the marked bike lanes. The Oregon Vehicle Code OAR 811.550(23) prohibits parking within a bicycle lane. If residents are parking in the designated bike lane, Parking Services or Salem Police Department could cite the violators.

The City would not support a marked crosswalk near a vertical curve. The crest of a vertical curve is a dangerous location to install a "mid-block" crossing because a driver would not be able to see the markings on the pavement and may partially obscure the view of oncoming traffic and waiting pedestrians.

- b) **Traffic and Street Connectivity:** Comments submitted seem to indicate that this subdivision will result in a connection to Battle Creek Road SE and that traffic conditions will exponentially worsen with this street connection, as well as the connection to other abutting local streets.

**Staff Response:** This proposed subdivision does not make a connection to Battle Creek Road SE. This subdivision connects to the transportation network in three locations: Misty Morning

Avenue SE, Genesis Street SE, and Robins Lane SE. The Salem TSP Street System Element for Southeast Salem addresses the collector extension of Robins Lane SE to Battle Creek Road. Project Number 197 generally describes the project.

***Brentwood Drive SE (Battle Creek Road SE to Robins Lane SE) (197)***

Fully connecting Robins Lane SE and Brentwood Drive SE will provide an east-west collector level connection between Commercial Street SE and Battle Creek Road SE in the far Southeast Salem. Currently the streets are connected by an emergency vehicle accessway. An additional need relates to the location of Brentwood Drive SE. This street is currently located within the right-of-way for Interstate 5. The future widening of Interstate 5 may necessitate relocating this street. The eventual alignment of Brentwood Drive SE will need to be determined through future study or as a condition of future development. When the final alignment of Brentwood Drive SE has been determined, the street needs to be improved to urban Collector standards.

This proposed subdivision will extend the collector street to their northern boundary but will not make a connection to Battle Creek Road SE. The eventual connection will be made when the property to the north annexes into the City and a development proposal is submitted for review.

Another important east-west connection in southeast Salem is the Fabry Road SE extension between Reed Road SE and Battle Creek Road SE. This improvement has been approved and conditioned with development and should be completed in the next couple of years. This extension of Fabry Road is classified as a minor arterial and should be completed long before Robins Lane is connected to Battle Creek Road and carry the majority of the east-west traffic in this area of southeast Salem.

- c) **Street Improvements:** Comments submitted indicate concern for the lack of planned infrastructure changes, specifically to roads and traffic control measures.

**Staff Response:** The applicant was required to submit a Traffic Impact Analysis. They submitted an analysis that evaluated 8 intersections in the vicinity. The study compared the 2021 background condition, the 2024 background conditions, and 2024 full build-out of the site. The analysis shows that all the subject intersections operate within the operational standards identified in the City of Salem Streets Design Standards. No additional improvements were identified to be necessary to mitigate the additional traffic from this proposed subdivision.

- d) **Access to Robins Lane SE for Construction Activities:** Comments submitted indicate concern that additional congestion along Robins Lane SE will occur with construction activities and that no mitigation is planned for this increased congestion.

**Staff Response:** The 2021 traffic counts collected showed there was only 2,500 vehicles per day. As discussed earlier, collector streets could carry 10,000 vehicles per day. *Condition 20 states:* "A construction entrance shall be constructed from Robins Lane SE as part of Phase 1, and all construction vehicles and equipment shall utilize this entrance for entering and leaving

the site.” This condition was put into place to ensure the construction traffic uses the collector roadway rather than driving through the narrower residential streets of Mistymorning Avenue SE, Kari Dawn Avenue SE, and Pikes Pass Avenue SE that have residential driveways and on-street parking.

- e) **Tree Removal:** Comments submitted expressed concerns regarding the removal of additional trees from this property.

**Staff Response:** The subject property was cleared of trees between April 2018 and June 2018, prior to annexation of the property into City limits. The applicant states that there are no longer any trees on the subject property that require removal. Because there are no longer any trees on the subject property that require removal in connection with this subdivision, a tree conservation plan is not required. The applicant is required to plant additional trees per the City Council approval of the annexation, to mitigate tree removal that took place prior to annexation.

The additional requirements relating to the annexation are discussed at pages 17 and 18 of the Planning Administrator’s decision (Attachment 2):

“The timber harvest activity that occurred on the subject property is a permitted activity on properties both inside and outside of the City limits. However, the City’s tree preservation ordinances require a 5-year delay on future development after a timber harvest in order to ensure sites aren’t clear cut right before development is proposed. At the time of annexation (ANXC-730), the applicant agreed to delay recording the final subdivision plat until July 1, 2023, plus a condition of approval requiring replanted trees on individual lots to be larger than the minimum standard in Chapter 808 and requiring a diversity of trees to be planted within the subdivision area picked from species authorized in the City’s Tree and Vegetation Manual. The applicant also agreed to grant \$15,000 to the Salem City Tree Fund prior to recording a final subdivision plat. To ensure compliance with the conditions of approval from ANXC-730 the following conditions of approval apply:

Condition: Replanting on each lot in the subdivision shall comply with SRC 808.050 except that each tree shall be a minimum of 2-inch caliper standard at the time of planting.

Condition: The applicant shall submit a list of species that will be used in the replanting; the list should include not less than five species authorized in the City’s Tree and Vegetation Technical Manual. The list shall be submitted prior to or concurrently with the first residential permit.

Condition: Prior to recordation of a final subdivision plat, the applicant shall grant \$15,000 to the Salem City Tree Fund.”

- f) **Stormwater:** Comments submitted express concerns for flooding on adjacent property and timing of construction of the required stormwater management facilities.

**Staff Response:** City engineers have reviewed the proposed stormwater system. The stormwater treatment and flow control facility is located in Phase 2. The conditions of approval specify that the stormwater facility will need to be constructed in conjunction with Phase 1 or Phase 2, whichever comes first. Staff expects a reduction in the amount of runoff flowing through adjacent property, especially after completion of both Phases 1 and 2, as rooftop and street drainages are collected into pipes and transported to the stormwater facility rather than flowing overland onto adjacent property.

## **ALTERNATIVES:**

The City Council may affirm, amend, or reverse the decision of the Planning Administrator for Case No. SUB-UGA-ADJ22-01.

- I. AFFIRM the decision;
- II. MODIFY the decision; or
- III. REVERSE the decision.

Aaron Panko  
Planner III

## **Attachments:**

- 1. Vicinity Map
- 2. SUB-UGA-ADJ22-01 Decision
- 3. Public Comments