



Marion County OREGON

PUBLIC WORKS

MEMORANDUM

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SURVEY

TO: Marion County Hearings Officer

FROM: Marion County Planning Division/Reich

SUBJECT: Comprehensive Plan Change/Zone Change/Subdivision 18-002/Christ Good Shepard Lutheran Church (**Modified**)

DATE: April 24, 2019

The Marion County Planning Division has reviewed the above-referenced application and offers the following comments:

FACTS:

1. The subject property is within the Salem Urban Growth Boundary (UGB) and designated both Single Family Residential and Multi-Family Residential in the Salem Area Comprehensive Plan (SACP). The parcel's current RS (Single-Family Residential) and RM (Multiple-Family Residential) zoning are under the jurisdiction of Marion County.
2. The property is rectangular in shape and is approximately 335 feet wide, with frontage on State Street to the north and Marht Avenue to the south, and is approximately 780 feet deep. It also has approximately 323 feet of frontage on Brink Court SE along its southeast corner. In the application, the applicant indicates that the southern portion of the property that is the subject of the zone change is approximately 1.76 acres. The northern portion of the property is zoned RM and contains a church while the southern portion is zoned RS and contains a dwelling related to the church. The entire parcel is proposed to be subdivided into 12 lots, ten lots in the RS zone and two lots in the RM zone. One of the resulting RM zoned lots will contain the existing church and office and the other lot will be available for multiple family development. The property is within the horizontal surface of the Salem Municipal Airport. However, no structure is proposed to exceed 35 feet in height, which appears to meet the standards in the county's Airport Overlay Zone, Marion County Code 16.21.
3. Adjacent properties are devoted to various types of residential uses depending on their zone. Properties to the north, along State Street, are zoned RM and developed with various types of multiple family residences. Property to the south, along Marht Avenue and Brink Court, are zoned RS and consist of single family dwellings on small subdivision lots.
4. The applicant proposes to change the zone on 1.76 acres of the southern portion of the property from RS to RM and to change the Salem Area Comprehensive Plan designation from Single Family Residential to Multiple Family Residential. The proposed change would allow 42 apartment units to be constructed in the RM zone portion of the property on three lots.

COMMENTS:

5. Oregon Department of Aviation commented that the proposed development is compatible due to its distance from the airport and height restrictions in the zone.

Marion County Tax Assessor provided tax information for the subject property.

Marion County Fire District #1 commented on fire safety and access requirements in the original land use proposal.

Public Works Land Development and Engineering Permits (LDEP) requests that the following Conditions be included in the land use case:

“Condition A – On the plat dedicate an additional 15-foot half-width right-of-way (R/W) along the subject property’s Brink Court frontage commensurate with Marion County residential cul-de-sac (<500’) to achieve a 50-foot total R/W width, and also dedicate a 30-foot SE property corner radius.

Nexus for the above Condition is in accordance with Marion County Code Sections 16.33.220 & 260, and due to the proposed development taking access from Brink Court and the need for space to accommodate urban improvements and utilities. There are currently 17.5’ R/W half-widths on each side of centerline.

Condition B – Prior to plat approval, Applicant shall design, permit and construct the following:

- *1/4-Street frontage improvements along Brink Court to meet the City of Salem Collector “A” standard of 34-foot curb-to-curb width, including curblin sidewalk, curb/gutter, landscape strip, utility extensions/services and asphalt widening.*
- *ADA compliant corner ramp at Mahrt Avenue/Brink Court intersection.*
- *Mahrt Avenue sidewalk and potentially curb repair/replacement as well.*
- *The above shall be done under a Major Construction Permit.*

Nexus is to mitigate the anticipated added traffic to Brink Court and Mahrt Avenue and the need for public improvements in accordance with MCC 16.33.160 and 320.

Condition C – Prior to plat approval, design, permit, and construct a stormwater attenuation facility for the RS lots and a Water Quality Treatment (WQT) facility for those lots if the WQT component is an aggregate system. If the WQT component for the RS Lots are lot-specific raingardens, then each raingarden shall be completed prior to final building inspection for each respective lot.

Condition D– Prior to plat approval, record a stormwater O&M Agreement for the WQT component of the RS lots, unless that component were to meet MCPW Engineering criteria for ESSD maintenance takeover. Prior to issuance of a Building Dept. C/O for the RM lot, record a stormwater O&M Agreement for that as well.

For Conditions C & D, Stormwater management is an Engineering Requirement as authorized under MCC 16.33.160; however, it is being elevated to Condition status as a matter of timing for completion.

Condition E – On the plat depict necessary drainage, access and utility easements.

Nexus is to satisfy MCC 16.33.300.

Condition F – Prior to issuance of a Building C/O for the RM Lot, a man-gate accessible pedestrian pathway from the RM Lot through Lot 1 (Church property) and connecting to State Street shall be designed and constructed for convenient access to the nearest public transportation route.

Condition G – Prior to application for building permits for the buildable RM lot, submit and acquire review approval from Marion County Traffic Engineering of a Transportation Impact Analysis (TIA) analyzing traffic generated by the RM lot. Prior to application for building permits, acquire design approval and construction permits for any identified mitigation measures that may warrant immediate construction, or in the alternative where a global project is being scoped that will be affected by this development, remit a proportional share contribution toward future improvements. Prior to final building inspection, acquire PW Engineering final inspection approval for any immediate improvements in the public R/W.

Requirement for the TIA in this case is based on deferral to City of Salem criteria for property within the UGB, whereby the City uses a 200-trip threshold additive to a Local street. Please contact Marion County Transportation Planner, Janelle Shanahan, at JShanahan@co.marion.or.us or (503) 566-4147 to determine the scope of the analysis.”

Engineering Requirements

“H. The subject property is within the City of Salem Urban Growth Boundary and will be assessed Transportation & Parks System Development Charges (SDCs) upon application for building permits, per Marion County Ordinances #97-39R and 98-40R, respectively.

I. An On-site Stormwater Drainage Permit will be required. The County requires any development having 0.5-acre or more of impervious (hard) surface to provide storm water detention. For the RM lot, acceptable drainage and detention systems must be designed and approved prior to issuance of a building permit. Any such system as required must be constructed and approved by Public Works prior to final building inspection.

J. Where individual lot Water Quality Treatment (WQT) systems are elected by design to satisfy the requirement, then an approvable system such as a raingarden must be identified on the building application site plan.

K. A Storm Drain Connection Permit will be required if drainage from the subject property is to drain to the public stormwater system along State Street, Mahrt Avenue, or Brink Court. This permit also requires a Storm Drain Plumbing Permit be obtained from Marion County Building Inspection. Downstream system capacity may need to be evaluated for sufficiency.

L. The Oregon Department of Environmental Quality (DEQ) has designated a “Stormwater Management Area” (SMA) in Marion County, within which the subject property is located. Marion County is currently accountable to the DEQ under a National Pollutant Discharge Elimination System (NPDES) Phase II MS4 Permit, and as a delegated Qualified Local Program to regulate stormwater water quality treatment within the SMA. Applicability is for construction activities disturbing 1-acre or more to less than 5 acres, or less than 1 acre but part of a larger common plan that will ultimately disturb more than 1 acre.

Under the Program, MCPW Engineering may issue the following two Permits within the SMA:

- 1) Large Development Erosion Prevention and Sediment Control (EPSC) Permit, per Marion County Code 15.10, applicable fee.
- 2) DEQ 1200-CN Construction Stormwater General Permit, blanket coverage, no fee. Coverage under the 1200-CN is required for all building permits associated with the resulting subdivision and ground disturbing activities.

Applicable design standards are referenced in the Marion County Draft Interim Stormwater Quality Treatment Engineering Standards for the Stormwater Management Area. Water quality design elements may be stand-alone or incorporated into a common system, such as a pond. The system(s) must be designed, approved and constructed as a stipulation of final plat approval and/or final building inspection, as determined by PW

M. The following numbered sub-requirements pertain to public access:

- 1) If the easement through the Church parking lot is to serve RM Lot 2, it shall be used for Fire Access only, and gated accordingly. Public vehicular access to the multi-family lot shall only be taken directly off Mahrt Avenue in accordance with City of Salem Transportation System Plan Policy 3.1.1 whereby properties with frontage along two streets shall take primary access from the street with the lower functional classification.
- 2) Access to Lot 4 shall be near the west property line.
- 3) Access to Lot 5 shall be near the east property line.
- 4) Access to Lot 7 shall be off Brink Court near the north property line.
- 5) Ideally, access to RM Lot 2, the multi-family Lot, would align directly across from Eastland Place as described in the Application materials. The site plan provided does not indicate the location of Eastland Place relative to the new proposed access; however, it is roughly estimated to be offset by 50 feet, which could amplify undesired turning movement conflicts. If there is flexibility in the site plan layout, then effort should be made to align the street connections, although this is not viewed by PW Engineering as mandatory in this case considering the lower background traffic volumes on Mahrt Avenue.
- 6) Access to RM Lot 2 shall be driveway-style.
- 7) In accordance with MCC 11.10, upon application for building permits, Access Permits will be required for each lot. Driveways must meet sight distance, design, spacing, and safety standards.”

Engineering Advisories: “Applicant should also be aware of the following:

N. Sanitary sewer service is provided by the City of Salem.

O. Potable water is provided by Suburban East Salem Water District.”

STAFF FINDINGS AND ANALYSIS:

Comprehensive Plan Amendment

6. The subject property is in the Salem UGB and subject to the SACP. Under SACP III(B)(4), Marion County has exclusive jurisdiction over land use actions within the Salem UGB. Marion County Code (MCC) 16.43.020 provides the criteria for a non-legislative plan amendment as follows:
 - A. *Conformance with the comprehensive plan goals, policies, and intent, and any plan map amendment criteria in the plan, or intergovernmental planning coordination agreement, pertaining to unincorporated lands.*
 - B. *The addition of the subject property to the inventory of lands in the proposed map designation and the corresponding inventory reduction in the current designation are consistent with the projected needs for such lands in the Comprehensive Plan.*
 - C. *Uses allowed in the proposed designation will not adversely affect planned uses on adjacent lands.*
 - D. *Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*
7. Under SACP II(A)(1), the SACP is intended to project the most desirable pattern of land use in the Salem area. Under SACP II(A)(3)(a), designated Multi Family Residential designation applies to the portion of the Salem urban area that is currently developed with housing or served by public facilities and suitable for residential development at urban densities. This designation is characterized by a mixture of housing types, for example, single family detached, single family attached, manufactured homes, garden apartments, and row houses. The location, density, and style of housing is governed by the zoning code of each local jurisdiction. Changes in use designation to permit higher residential densities is governed by the goals and policies of the SACP and the local rezoning process.

The intent of the residential designation is, in part, to provide for the systematic conversion of sites to more intensive residential uses in accord with development policies and standards: to ensure a compatible transition between various types of housing; to encourage locating residential development where full urban services, public facilities, and routes of public transportation are available; and to permit multifamily housing developments which are consistent with development standards and growth policies to blend into the overall fabric of the Salem urban area.

The following SACP policies are relevant to this proposal:

SACP General development policy 7: Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.

The applicants are proposing a density of development in the multi-family zone of approximately 23.9 units per acre, which exceeds the recommended dwelling units per gross acre referenced in this policy. The residential nature of the development is not expected to cause adverse alteration of the natural terrain and watercourses or to increase the potential for erosion and adverse effects upon the existing topography and soil conditions. Any stormwater detention required can be made a condition of approval. This policy appears to be met.

SACP General development policy 15: Exterior lighting shall be designed to provide illumination to the site and not cause glare into the public right-of-ways and adjacent properties.

The applicant intends to comply with this policy. Compliance can be made a condition of any approval.

SACP Urban growth policy 4: Development of land with existing urban services shall be encouraged before the conversion of urbanizable lands to urban uses.

Urban services exist to serve the site. No urbanizable land is being converted to urban uses. This policy does not apply.

SACP Growth management policy 6: New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks and transportation facilities.

The applicant provided statements from the Suburban East Salem Water District and the City of Salem Public Works Department that there are adequate sewer and water capacity to serve the proposed use. The applicant's consultant determined there is an adequately sized stormwater drain available to serve the site and the property will be able to install an adequately sized onsite stormwater detention facility. The applicant provided a transportation analysis indicating the proposal will not have a significant impact on the transportation network and the development will cause no further degradation on the network. Schools are provided by the Salem-Keizer School District. A recent bond provided funds to increase the capacity of schools in the area. Fire protection is provided by Marion County Fire District #1 and police protection by the Marion County Sheriff. Suburban Garbage Haulers provide garbage service and Cherriots provides bus service. There are two parks nearby, Auburn Park and Santana County Park. This policy appears to be met.

SACP Growth management policy 7: Within the Salem urban area, residential subdivisions, mobile home parks, multi-family residential, commercial and industrial development shall be permitted only within the County service districts or within the City of Salem where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this

policy may only be permitted if mutually agreed to by the City and the appropriate County.

The property is located in the urban growth area and, based on the above discussion, adequate services appear to be in place; this policy appears to be met.

SACP Growth management policy 9: *New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.*

The property is located in the urban growth area and, based on the above discussion, adequate services appear to be in place. Any expansion of services, or provided services in an area where services are already in place is usually less expensive than providing services newly to a previously unserved area. This policy appears to be met.

SACP Growth management policy 11: *Where development creates a demand for new or expanded facilities and services, a share of the costs of new or expanded facilities and services should be borne by the new development itself.*

The applicant states that new or expanded services will not be required because there is adequate capacity within the existing services to serve the proposed development. This policy appears to be met.

SACP Residential development policy 1: *The location and density of residential uses shall be determined after consideration of the following factors;*

- a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.*
- b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.*
- c. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.*
- d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site.*
- e. The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.*
- f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.*
- g. The density goal of General Development Policy 7.*

The Housing Needs Analysis performed by the city in 2014 shows a need for additional multi-family housing units within the urban growth boundary to meet the needs of a future population. The applicant describes that the site has the capacity to accommodate the development based on the characteristics at the site. As described above there are adequate public facilities and services available to the site. The applicant describes there are schools, parks, religious institutions, commercial businesses and personal services all within a mile of the property. The existing neighborhood is characterized by a mixture of single- and multi-family dwellings. The proposed location of single and multi-family dwellings within the development will provide a transition from single-family developed areas to multi-family developed areas. The applicants propose to cluster the multi-family units in order to break up the visual massing of the apartments in the development. The applicant did not identify, and staff is not aware of any facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plan that would apply to the property. As described above, the proposal exceeds the density goal of General Development Policy 7. This policy appears to be met.

SACP Residential development policy 2: Residential uses and neighborhood facilities and services shall be located to:

- a. Accommodate pedestrian, bicycle and vehicle access;
- b. Accommodate population growth;
- c. Avoid unnecessary duplication of utilities, facilities and services; and
- d. Avoid existing nuisances and hazards to residents.

The applicant intends to provide access to the property from both State Street and Mahrt Avenue. As a requirement of development, additional sidewalks will be installed, improving pedestrian connectivity with the surrounding network. The proposal accommodates population growth both by providing multi-family housing units which exceed the density goal General Development Policy 7 and by providing single-family dwellings on lots between 4,000 and 4,100 square feet each. Utilities, facilities and services are all available to the site, as described above. There are no known existing nuisances and hazards to area residents. Additional sidewalks will be installed as part of this development. This policy appears to be met.

SACP Residential development policy 6: Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:

- a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones;
- b. Development regulations shall promote a range of densities that encourage a variety of housing types;
- c. Multiple family developments should be located in areas that provide walking, auto or transit connections to:
 - (1) Employment centers;
 - (2) Shopping areas;
 - (3) Transit service;
 - (4) Parks;
 - (5) Public buildings.

Marion County Code does not establish minimum development densities. However, the densities proposed are consistent with Salem's development code, which implements its comprehensive plan. The proposal includes a range of densities for both single- and multi-family dwellings. The applicant describes the property's proximity to employment centers, shopping areas, transit service, parks, and public buildings. This policy appears to be met.

SACP Residential development policy 7: Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:

- a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;
- b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;
- c. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.

The applicant describes how the existing transportation network is adequate for the development and that additional sidewalks will be installed, a driveway access relocated, and striping for bicycles be performed when the development occurs. This policy appears to be met.

SACP Residential development policy 9: Alternative Residential Development Patterns. Subdivision and zoning regulations shall provide opportunities for increased housing densities, alternative housing patterns, and reduced development costs. Development regulations shall promote residential development patterns that encourage:

- a. *The use of all modes of transportation;*
- b. *Reduction in vehicle miles traveled and length of auto trips; and*
- c. *Efficiency in providing public services.*

Since the proposal is for infill development, the site will have access to the existing transportation network. Close proximity of businesses and personal services will permit residents access via pedestrian, bicycle and transit, not only by automobiles. This policy appears to be met.

8. As discussed above, the proposal appears to meet the applicable policies in the Salem Area Comprehensive Plan. Therefore, the proposal meets the criteria for a comprehensive plan change in MCC 16.43.020 (A): Conformance with the comprehensive plan goals, policies, and intent, and any plan map amendment criteria in the plan, or intergovernmental planning coordination agreement, pertaining to unincorporated lands.

In addition, the criteria for a comprehensive plan change in MCC 16.43.020(B)-(D) apply:

- B. *The addition of the subject property to the inventory of lands in the proposed map designation and the corresponding inventory reduction in the current designation are consistent with the projected needs for such lands in the Comprehensive Plan.*
- C. *Uses allowed in the proposed designation will not adversely affect planned uses on adjacent lands.*
- D. *Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*

As described above, the city has identified a need for additional multi-family zoned land. The densities proposed for the development are consistent with the densities identified in the city's housing study and the goals identified in the city's comprehensive plan. The discussion above describes how the proposed use is intended to be consistent with the surrounding residential uses in the area. It also appears that public facilities and services necessary to support uses are available to the site. These criteria are met by the proposal.

Zone Change

9. The requirements for a zone change are found in MCC (Marion County Code) Section 16.39.050:
 - A. *The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.*
 - B. *Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property.*
 - C. *The request shall be consistent with the purpose statement for the proposed zone.*

The RM (Multi-Family Residential) zone is one of two zones which implements the Multi-Family Residential land use designation. The zoning is applied in areas where existing services are available to serve the multi-family density of development. As described above, there appear to be adequate public facilities, services, and transportation networks in place to serve the proposed use. The proposal appears to meet the criteria in (A)-(C).

- D. *If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the proposed zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.*

The applicant describes how the RM zone is the only zone which permits development at the densities proposed. The Limited Multi-Family Residential zone would permit up to 26 dwelling units, which the Multi-Family Residential zone would permit up to 51 dwelling units. Since the proposal is for 42 units, the Multi-Family Residential zone is the appropriate zone to consider for the development.

Subdivision

The following analysis and conclusion apply if the comprehensive plan amendment and zone change are approved.

10. **Roads, Streets and Easement:** Standards for this section are listed in Chapter 16.33.160 through 16.33.340 of the Marion County Code (MCC), those that apply include:

16.33.160 ENGINEERING STANDARDS AND REQUIREMENTS. Engineering standards and requirements, including but not limited to streets, drainage, access, easements, and thoroughfare improvements, shall be those currently approved by the Marion County department of public works.

As outlined in their comments, Marion County Public Works will require street and roadway improvements to be developed in compliance with engineering standards.

16.33.180 DEEDING OF RIGHT-OF-WAY ROADWAY. No person shall dedicate for public use, or deed to Marion County, a parcel of land which is used or proposed to be used as access without first obtaining the approval of the board or its designee and delivering the deed to the board for its endorsement. No dedication is effective unless the property is accepted by the Board or its designee and recorded with the Marion County clerk's office.

Required dedication will be accomplished through the platting process which requires acceptance by the Marion County Board of Commissioners.

16.33.190 CONNECTIVITY. Applicants submitting preliminary development plans shall provide for local streets oriented to or connecting with existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half mile of the development. Applicants shall also provide for extension of local streets to adjoining major undeveloped properties and eventual connection with the existing street system. Connections to existing or planned streets and undeveloped properties along the border of the parcel shall be provided at no greater than 600-foot intervals unless the planning director, or designee, determines that one or more of the following conditions exist:

- A. *Physical or topographic conditions make a street or accessway connection impractical. Such conditions include, but are not limited to, freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided; or*
B. *Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment.*

The proposed development is an in-fill development and will use existing streets for access.

16.33.220 RADIUS AT STREET INTERSECTIONS. The property line radius at street intersections shall be to Marion County department of public works' standards.

As outlined in their comments, Marion County Public Works will require street and roadway improvements to be developed in compliance with engineering standards.

16.33.300 UTILITY EASEMENTS. Utility easements meeting the approval to the standards of the affected utilities shall be provided to all newly created lots.

LDEP will review and approve any required Public Utility Easements.

16.33.320 STREET OR ROAD IMPROVEMENTS. All street or road improvements including pavement, curbs, sidewalks, signage, and surface drainage shall be in accordance with the specifications and standards prescribed by the director of public works. Subdivision plats shall not have final approval until such time as the director of public works, or his/her designee, is satisfied that the street improvements will be completed in accordance with the specifications and standards set forth by the Marion County department of public works.

No building permits within a subdivision or partition shall be issued until the Director of public works, or his/her designee, approves that the improvements have been completed or, sufficient improvement agreements and financial guarantees have been recorded.

LDEP identified necessary street improvements along the property frontage and indicated the subdivision plat will not be approved until the requirements are satisfied.

16.33.340 PRIVATE STREETS. In the event the subdivider or developer elects to provide private streets or thoroughfares, they shall be maintained by the homeowners association and a maintenance agreement shall be submitted to Marion County for review and approval prior to recording the final plat.

LDEP did not specifically identify the need for maintenance agreements, however, it can be made a condition of approval if needed.

11. **Blocks and lots:** These standards are listed in MCC 16.33.360 through 16.33.440 those that apply include:

16.33.360 SUBDIVISION. Block lengths and widths shall be determined after considering the following factors:

- A. The distance and alignment of existing blocks and streets adjacent to or in the general vicinity of a proposed subdivision;*
- B. Topography;*
- C. Lot size; and*
- D. Need for and direction of the flow of through and local traffic. Blocks shall not exceed 600 feet between street or road right-of-way lines unless the adjacent layout or special conditions justify greater length. Except where topographical or other physical features require otherwise, block widths shall not be less than 120 feet or greater than 400 feet.*

This is an infill subdivision and will not have blocks.

16.33.400 LOT SIZE. All lots approved under this chapter shall have sufficient area to be consistent with the intent of the comprehensive plan and to provide adequate area for the intended structures and uses, all setbacks, access and spacing required for water supply and waste water disposal. Lots to be served by public or privately owned sewage collection and disposal system must meet the requirements and have approval of the Oregon State Department of Environmental Quality before being recorded or sold. State regulations, soil types, drainage, terrain, and location may be included as part of the criteria used by the state or county in

determining appropriate lot sizes for lots using subsurface disposal of sewage. Lot size and dimensions shall be as prescribed in the corresponding zone.

In the RS zone, MCC 16.02.120 states:

- A. *Lot Area.* The minimum lot area for a single-family dwelling in a subdivision approved after the effective date of the ordinance codified in this title, is 4,000 square feet when located within the Salem/Keizer area urban growth boundary. In all other cases lots shall be a minimum of 6,000 square feet. (See Chapter 16.27 MCC for density limitations).
- B. *Lot Dimensions.* Except as provided in MCC 16.26.800 for planned developments, the width of a lot shall be at least 60 feet; provided that within the Salem/Keizer urban growth boundary the width of a lot shall be at least 40 feet, and the depth of a lot shall be at least 70 feet.

As demonstrated on the site plan, all of the proposed lots in the RS zoned portion of the subdivision meet or exceed the minimum lot size and dimension standards. Each of these lots can be developed with a single family dwelling and meet the setback standards.

In the RM zone, MCC 16.04.120 states:

- A. *Lot Area, Multifamily Dwellings and Other Uses.* At least 6,000 square feet. (See Chapter 16.27 MCC for density limitations).
- B. *Lot Dimensions.* The width of a lot shall be at least 40 feet, and the depth of a lot shall be at least 70 feet except as provided in MCC 16.26.800 for planned developments.

As demonstrated on the site plan, all of the proposed lots in the RM zoned portion of the subdivision meet or exceed the lot the minimum lot size and dimension standards. The lots can be developed and meet setback standards.

16.33.440 LOT LINE. Side lot lines shall be as close to right angles to the front street line as practicable. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.

As demonstrated on the site plan the proposed lots meet this standard.

12. **Sewage, water, and utilities:** These standards are listed in MCC 16.33.460 through 16.33.560 and include:

16.33.460 SEWAGE DISPOSAL. All lots or parcels shall be served by an authorized sewage disposal system. Subsurface sewage disposal for individual parcels shall meet the requirements of the Department of Environmental Quality (DEQ) and the Marion County building inspection division. Those subsurface sewage systems that are used by a community, sanitary district, industry, or incorporated area must be authorized by the Department of Environmental Quality (DEQ) via the Marion County building inspection division. Installation and maintenance shall be in accordance with the Department of Environmental Quality's regulations and requirements. The commission, director, or hearings officer may require connection to an existing sewage collection and treatment system regardless of lot suitability for subsurface disposal if the commission, director or hearings officer deems it necessary and provided the connection is available.

The lots in the subdivision will be served by the City of Salem sewage disposal system.

16.33.480 WATER SUPPLY. All lots or parcels shall be served by an authorized public or private water supply system.

- A. *Public or Private Systems. Public or private systems shall meet the requirements of the Oregon State Health Division with reference to chemical and bacteriological quality. In addition, such systems must meet the quantity, storage, and distribution system requirements of the State Health Division and the operator of the water system.*

The City of Salem will provide water to the lots.

16.33.500 SEWER AND WATER LINES AND CONNECTIONS. All proposed subdivisions within established or proposed urbanizing areas of municipalities, service districts and other incorporated communities, where, upon concurrence from the municipality, district, or incorporated community that public sewer and water services are imminent, shall be developed with water and sewer lines that meet the specifications of the director of the Marion County department of public works.

This can be made a condition of any approval.

16.33.520 UNDERGROUND UTILITIES. All permanent utility service to lots in a subdivision within an established urban growth boundary shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted. The subdivider shall be responsible for complying with the requirements of this section and shall:

- A. *Obtain a permit from the director of public works for the placement of all underground utilities.*
B. *Make all necessary arrangements with utility companies and other persons or corporations affected by the installation of such underground lines and facilities in accordance with the rules and regulations of the public utility commissioner of the State of Oregon.*

A condition of approval will require utilities to meet this standard.

16.33.540 UNDERGROUND UTILITIES EASEMENTS. Underground easements for utilities and overhead utility facilities shall be provided by the subdivider and set forth on the final plat. Each easement shall be a minimum of 10 feet in width except on the perimeter of the subdivision where the minimum width shall be five feet, and when possible, such easement shall be centered on or bordering a lot line. The subdivider shall provide five-foot utility easements on both sides of all road or street rights-of-way of 60 feet or less.

A condition of approval will require utilities to meet this standard.

16.33.560 STREET LIGHTING. Proposed subdivisions located within established street lighting district boundaries shall submit street lighting plans from the appropriate power company to the director of public works for approval. All provisions for wiring for underground installation shall be completed before the final street improvement is made.

This can be made a condition of any approval.

13. **Access standards:** *These standards are listed in MCC 16.33.680 and state: All lots must have a minimum 20 feet of frontage on a public right-of-way or, when an access easement is proposed to serve one or more lots in any partitioning, the location and improvement of the roadway access shall conform to the following standards which are necessary for adequate access for emergency vehicles. Evidence that the access has been improved to these standards and a driveway permit has been obtained shall be provided prior to the issuance of building permits on the parcels served by the access easement. The easement shall meet the following standards:*

- A. *Have a minimum easement width of 25 feet;*
B. *Have a maximum grade of 12 percent;*

- C. Be improved with a paved surface with a minimum width of 20 feet;
- D. Provide adequate sight-distance at intersections with public roadways;
- E. Be provided with a road name sign at the public roadway as identification for emergency vehicles in accordance with Chapter 11.55 MCC, Naming and Addressing Roads/Property.

All of the proposed lots have over 20 feet of frontage on public right-of-way, this standard is met.

14. **16.33.1020 TIME LIMIT FOR THE FILING AND RECORDING OF A PLAT.** *When the subdivider has expressed intent to develop a subdivision in phases or stages, the first phase of the final plat, or, if not to be developed in phases or stages, the completed final plat must be filed with the director by the first day of the 24th month following the date of detailed approval or said detailed approval shall be deemed null and void. The final plat shall be approved by public officials as required by law and recorded within 180 days following the date the plat is submitted to the director. Extensions to either time deadline may be approved by the director upon submittal of written justification prior to the expiration of the time limit.*

If the applicant decides to develop the subdivision in phases it must be expressed in writing prior to submitting the plat for the first phase.

CONCLUSION:

11. Based on the above discussion, the comprehensive plan amendment, zone change and subdivision request are recommended to be approved. The Planning Division recommends the following conditions be applied to any approval:
- A. The applicant shall obtain all permits required by the Marion County Building Inspection Division.
 - B. All current and future development on the property must satisfy the specific development standards in the RM zone, (Chapter 16.04 MCC) and the general development standards found in Chapters 16.26 through 16.40 of the MCC.
 - C. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the use until the following condition has been satisfied:
 - 1. On the plat dedicate an additional 15-foot half-width right-of-way (R/W) along the subject property's Brink Court frontage commensurate with Marion County residential cul-de-sac (<500') to achieve a 50-foot total R/W width, and also dedicate a 30-foot SE property corner radius.
 - 2. Prior to plat approval, Applicant shall design, permit and construct the following:
 - ¼-Street frontage improvements along Brink Court to meet the City of Salem Collector "A" standard of 34-foot curb-to-curb width, including curblin sidewalk, curb/gutter, landscape strip, utility extensions/services and asphalt widening.
 - ADA compliant corner ramp at Mahrt Avenue/Brink Court intersection.
 - Mahrt Avenue sidewalk and potentially curb repair/replacement as well.
 - The above shall be done under a Major Construction Permit.
 - 3. Prior to plat approval, design, permit, and construct a stormwater attenuation facility for the RS lots and a Water Quality Treatment (WQT) facility for those lots if the WQT component is an aggregate system. If the WQT component for the RS Lots are lot-specific raingardens, then each raingarden shall be completed prior to final building inspection for each respective lot.

4. Prior to plat approval, record a stormwater O&M Agreement for the WQT component of the RS lots, unless that component were to meet MCPW Engineering criteria for ESSD maintenance takeover. Prior to issuance of a Building Dept. C/O for the RM lot, record a stormwater O&M Agreement for that as well.
 5. On the plat depict necessary drainage, access and utility easements.
 6. Prior to issuance of a Building C/O for the RM Lot, a man-gate accessible pedestrian pathway from the RM Lot through Lot 1 (Church property) and connecting to State Street shall be designed and constructed for convenient access to the nearest public transportation route.
 7. Prior to application for building permits for the buildable RM lot, submit and acquire review approval from Marion County Traffic Engineering of a Transportation Impact Analysis (TIA) analyzing traffic generated by the RM lot. Prior to application for building permits, acquire design approval and construction permits for any identified mitigation measures that may warrant immediate construction, or in the alternative where a global project is being scoped that will be affected by this development, remit a proportional share contribution toward future improvements. Prior to final building inspection, acquire PW Engineering final inspection approval for any immediate improvements in the public R/W.
- D. Exterior lighting shall be designed to provide illumination to the site and not cause glare into the public right-of-ways and adjacent properties.
 - E. The applicants shall cluster the multi-family units generally as shown on the site plan considered with this application.
 - F. In accordance with Marion County Ordinances and OAR 340-21-060, during the land clearing and road construction phase of this development dust suppression measures, such as water trucks, shall be employed as necessary to prevent off site deposition of dust generated by the construction activities or related vehicular traffic on adjacent properties.
 - G. All utilities shall be placed underground.
 - H. All permanent utility service to lots in a subdivision within an established urban growth boundary shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted. The subdivider shall be responsible for complying with the requirements of this section and shall:
 - I. Obtain a permit from Marion County Public Works for the placement of all underground utilities.
 - J. Make all necessary arrangements with utility companies and other persons or corporations affected by the installation of such underground lines and facilities in accordance with the rules and regulations of the public utility commissioner of the State of Oregon.
 - K. Shall submit street lighting plans from the appropriate power company to the director of public works for approval.