

## 0 Church Street City Engineer Comments

**From:** Denny Muchmore  
**Sent:** Saturday, May 7, 2022 7:44 AM  
**To:** Cyndi Park; Kiel Jenkins  
**Cc:** Steve Sagmiller; Rochelle Roaden; Patty Ringnald  
**Subject:** RE: Church st lots (Church Str east of 2nd, Kevin Block)

Cindy,

If you haven't already, please send Kevin Block the attached pdf, which should answer his questions about which lots appear to be wholly or partially within the FEMA 100 flood plain boundary (*see 2<sup>nd</sup> page of the pdf*).

Solely to facilitate the repeated discussions about the lots in this area, to the first sheet we added the lot number designations (*for the lots along the north side of Church Street in this area*), since sometimes the repeated questions seem to get asked about a specific lot number, and sometimes about a specific tax lot number (*and sometimes it appears that the lot numbers being referenced may get confused*).

1. Flood Plain. As previously noted several times, **ALL** of the lots appear to be wholly or partially within the FEMA 100 flood plain boundary.
  - a. While the approximate floodplain boundary is shown on the FEMA maps, the actual floodplain boundary is where the defined flood water elevation (*ie. the flood water elevation at a specific point on the river, as shown on the FEMA map*) intersects with the existing ground surface.
  - b. Any proposed building footprint or fills within the FEMA floodplain boundary requires a floodplain development permit.
  - c. My memory is that at least one previous potential layout was submitted for a house on Lot 82 (*uppermost lot*) where the house footprint did not extend beyond the FEMA 100 flood plain boundary, but even this layout did not indicate whether or not fills were proposed on the back corner of the lot (*ie. fills which would be within the FEMA floodplain boundary*).
2. Wetland Question.
  - a. As previously noted, the lower lots appear to be within the area shown on State maps as having hydric soils, which is indicative of potential wetland areas.
  - b. At this point, we don't know for sure which lots include these hydric soils (*since the state maps don't show lot lines for reference*), but the lowest lot (*Lot 84*) definitely appears to be in this area of potential hydric soils.
  - c. A portion of Lot 84 also appears to be in this lower area where hydric soils are shown on the State maps.
3. SDC Question. In general, SDC credits are only available if the utility improvement is oversized (*beyond what is required in the code to serve the specific development*) and is identified in the CIP on which the SDC amount is based.
  - a. Since the waterline required along the Church Street frontage will only be 8-inch diameter (*the minimum line size allowed under City standards*), eligibility for SDC credits for this waterline extension will not be triggered.
  - b. We are not aware of any SDC eligible improvements related to the development of this property.

4. Street Improvements.

- a. Until a specific development or building proposal application is submitted and reviewed, it is not really possible to definitively state whether or not street improvements will be required along Church Street.
- b. Street improvement requirements are typically triggered in conjunction with land use approval for land division and site development review applications, but not typically for separate single family building permits (*although sidewalk improvement requirements are triggered with any building permit, including single family homes*).
- c. If street improvements are triggered by the land development code (*as part of a land use approval*), one option sometimes approved is to allow a construction deferral agreement /non-remonstrance agreement to provide for future financial participation by the property owner as part of a future City initiated project. However, these approach is typically only allowed for partitions (*which are not likely for this property*), and if the street improvements are not required to provide for access to the property to be developed.

5. Lot Buildability.

- a. In general, lots are not considered to be buildable unless and until a developer or property owner demonstrates that whatever they want to build on the lot can be constructed in accordance with applicable City & State codes & standards.
- b. Therefor, whether or not a lot is buildable depends on what is proposed to be built, where it is proposed to be built on the lot, what type of use will be involved, and a number of other factors.
- c. In our experience, City staff does not issue blanket statements about whether or not a lot is “buildable”, since there are too many variables involved in this question to give a blanket definitive answer. In general, the answer to whether a lot is buildable begins with the statement “it depends on . . .”.

As a general comment, unless someone in the ongoing discussions gets confused about which lot is being referred to (*which has happened to me, and maybe to others as well*), the answers to these type of questions really should not be expected to change just because the question gets asked in a different manner or because the question comes from a different person (*or when they get answered by a different person*).

This is the same information that has been being conveyed to different parties interested in these lots since significantly before they were purchased by Mr. Block.

We hope this helps clarify these issues.

Denny Muchmore, PE (OR, WA)  
Westech Engineering, Inc.  
3841 Fairview Industrial Drive SE, Suite 100, Salem, OR 97302