

**TO:** HEARINGS OFFICER

**FROM:** LISA ANDERSON-OGILVIE, AICP  
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING  
ADMINISTRATOR

**SUBJECT:** **CONDITIONAL USE, SUBDIVISION TENTATIVE PLAN, CLASS 2  
ADJUSTMENT, & CLASS 2 DRIVEWAY APPROACH PERMIT CASE NO. CU-  
SUB-ADJ-DAP22-05; FOR PROPERTY LOCATED IN THE 1300 BLOCK OF  
MILDRED LANE SE  
AMANDA NOS. 22-111298-ZO; 22-111309-LD; 22-111312-ZO; 22-111315-ZO**

**REQUEST**

A consolidated application for a proposed four-lot subdivision with associated site improvements. The application includes:

- 1) A Subdivision Tentative Plan to divide the approximate 1.71-acre property into four lots ranging in size from approximately 5,311 square feet to 47,701 square feet;
- 2) A Conditional Use Permit to allow two of the lots in the subdivision (Lots 2 and 3) which are partially zoned IC (Industrial Commercial) to be developed with single family dwellings;
- 3) A Class 2 Adjustment to:
  - a) Increase the number of flag lots allowed within the subdivision from a maximum of one to two (*SRC 800.025(e)*);
  - b) Designate the south property line of Lot 1 abutting the flag lot accessway as the front lot line rather than the property line abutting Mildred Lane SE (*SRC 800.020(a)(1)*);
  - c) Allow single family dwellings constructed as part of a subdivision to take access onto a minor arterial street (*SRC 804.035(c)(4)*); and
  - d) Reduce the minimum required 370-foot driveway spacing between Marstone Court SE and the proposed flag lot accessway serving Lots 1, 2, & 3 (*SRC 804.035(d)*); and
- 4) A Class 2 Driveway Approach permit for the proposed flag lot accessway onto Mildred Lane SE.

The subject property is zoned RA (Residential Agriculture) and IC (Industrial Commercial), approximately 1.71 acres in size, and located in the 1300 Block of Mildred Lane SE (Marion County Assessor Map and Tax Lot Number: 083W14CB02401).

**APPLICANT:** JCT Construction Group, LLC (James Cain, James Tokarski)

**OWNER:** JCT Holdings, LLC (James Cain, James Tokarski)

**REPRESENTATIVE:** Brandie Dalton – Multi/Tech Engineering

**PROPOSAL**

The application under review by the Hearings Officer is a consolidated Conditional Use, Tentative Subdivision Plan, Class 2 Adjustment, and Class 2 Driveway Approach Permit for property located in the 1300 Block of Mildred Lane SE (**Attachment A**).

The Tentative Subdivision Plan proposes the creation of four lots ranging in size from approximately 5,311 square feet to 47,701 square feet (**Attachment B**). Three of the lots within the subdivision (Lots 1-3) are proposed to be developed with single family dwellings and the fourth and largest lot (Lot 4) will be developed as a 24-unit multiple family development which was approved on October 22, 2020, through Conditional Use, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-DAP-DR20-06.

In addition to the proposed subdivision, the proposal also includes a Conditional Use Permit in order to allow two of the proposed lots within the subdivision (Lots 2 and 3) that are partially zoned IC (Industrial Commercial) to be developed with single-family dwellings; a Class 2 Adjustment to increase the number of flag lots allowed within the subdivision, designate the south property line of Lot 1 abutting the flag lot accessway as the front lot line, allow the proposed single family dwellings to be constructed in the subdivision to take access onto Mildred Lane SE (*a minor arterial street*), and reduce the minimum required 370-foot driveway spacing between Marstone Court SE and the proposed flag lot accessway serving Lots 1, 2, & 3; and a Class 2 Driveway Approach permit for the proposed flag lot accessway onto Mildred Lane SE.

## **SUMMARY OF RECORD**

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) All documents referenced in this decision.

All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 22 111298.

## **APPLICANT'S MATERIALS**

The proposed tentative subdivision plan submitted by the applicant is included as **Attachment B** and the written statement provided by the applicant addressing the applicable approval criteria is included as **Attachment C**.

## **FACTS AND FINDINGS**

### **1. Procedural Findings**

On May 31, 2022, Brandie Dalton, of Multi-Tech Engineering, on behalf of the applicant, JCT Construction Group, LLC, and property owner, JCT Holdings, LLC, filed an application for a Conditional Use Permit, Tentative Subdivision Plan, Class 2 Adjustment, and Class 2 Driveway Approach Permit for the development of a four-lot subdivision.

Because the proposal includes a Conditional Use Permit, Tentative Subdivision Plan, Class 2 Adjustment, and Class 2 Driveway Approach permit, the applicant, pursuant to SRC

300.120(c), chose to consolidate the applications and process them together as one. When multiple applications are consolidated, the review process for the consolidated application is required to follow the highest numbered procedure type required for the land use applications involved, and the Review Authority for the application shall be the highest applicable Review Authority under the highest numbered procedure type.

Based on these requirements, the proposed consolidated application is required to be reviewed by the Hearings Officer and processed as a Type III procedure.

After additional requested information was provided by the applicant, the application was deemed complete for processing on November 4, 2022, and notice of the public hearing on the proposal was subsequently sent, pursuant to SRC requirements, on November 23, 2022. Notice was also posted on the subject property by the applicant’s representative pursuant to SRC requirements on November 30, 2022.

The public hearing on the Conditional Use Permit, Tentative Subdivision Plan, Class 2 Adjustment, and Class 2 Driveway Approach Permit is scheduled for December 14, 2022. The state-mandated 120-day local decision deadline for the application is March 4, 2023.

## 2. Salem Area Comprehensive Plan (SACP)

The subject is located within the Urban Growth Boundary and the City’s Urban Service Area.

The subject property falls within two Salem Comprehensive Plan (SACP) map designations. The majority of the eastern property of the subject property located east of Waln Creek is designated “Industrial Commercial” on the SACP map and the majority of the western portion of the property located west of Waln Creek is designated “Single Family Residential” on the SACP map.

## 3. Zoning

The subject property is split-zoned with the majority of the eastern portion of the property located east of Waln Creek being zoned IC (Industrial Commercial) and the majority of the western portion of the property located west of Waln Creek being zoned RA (Residential Agriculture). The zoning of surrounding properties is as follows:

<b>Zoning of Surrounding Properties</b>	
North	Across Mildred Lane SE, IC (Industrial Commercial) and RA (Residential Agriculture)
South	RS (Single Family Residential)
East	Across Woodside Drive SE, MU-III (Mixed-Use-III)
West	Across Mildred Lane SE, RA (Residential Agriculture) and RS (Single Family Residential)

#### 4. Site Analysis

The subject property is located in the 1300 block of Mildred Lane SE, is approximately 1.71 acres in size, and has frontage on both Mildred Lane SE and Woodside Drive SE. Mildred Lane is designated as a minor arterial street under the City's Transportation System Plan (TSP) and Woodside Drive is designated as a local street. Waln Creek also passes through the subject property, bisecting it from the northwest to the southeast.

#### 5. Public and Private Agency Review.

Notice of the proposal was provided to City Departments, public agencies, and to public & private service providers. The following comments were received:

- A. The City of Salem Building and Safety Division reviewed the proposal and indicated no objections.
- B. The City of Salem Fire Department reviewed the proposal and provided comments indicating that the applicant is required to verify that the distance to fire hydrant to the furthest dwelling lot is less than 600 feet to meet support requirements for Fire Apparatus.

**Staff Response:** In order to ensure conformance with the applicable requirements of the Fire Code, the following condition of approval is recommended:

- Condition 1:** Prior to final plat approval, provide evidence demonstrating the proposed lots will be served with adequate fire department access and water supply in compliance with the Oregon Fire Code.
- C. The City of Salem Public Works Department reviewed the proposal and provided comments pertaining to City infrastructure required to serve the proposed development. Comments from the Public Works Department are included as **Attachment D**.
- D. The City's Historic Preservation Officer/City Archaeologist reviewed the proposal and provided comments indicating that the subject property is located within the City's Historic and Cultural Resources Protection Zone due to the potential for archaeological resources being present on the site. In order to ensure compliance with SRC Chapter 230 and applicable requirements of State and Federal law, the proposed development is required to have an approved Inadvertent Discovery Plan (IDP) in place prior to any ground disturbing activity being conducted on the site.

#### 6. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association.

Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), Conditional Use Permit applications and Tentative Subdivisions require neighborhood association contact. On

July 11, 2022, the applicant contacted the South Gateway Neighborhood Association to provide details about the proposal; thereby satisfying the requirements of SRC 300.310.

### Neighborhood Association Comments

Notice of the application was provided to the neighborhood association pursuant to SRC 300.620(b)(2)(B)(vii), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

### Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.620(b)(2)(B)(ii), (iii), (viii), & (ix), to property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, no public comments have been received.

### Homeowners Association

The subject property is not located within a Homeowners Association.

## **7. ANALYSIS OF CONDITIONAL USE PERMIT APPROVAL CRITERIA**

SRC Chapter 240.005(a)(1) provides that no building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

Salem Revised Code (SRC) 240.005(d) sets forth the following criteria that must be met before approval can be granted to an application for a Conditional Use Permit. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Conditional Use Permit application, or for the issuance of certain conditions to ensure the criteria are met.

***SRC 240.005(d)(1): The proposed use is allowed as a conditional use in the zone.***

**Finding:** The proposal development includes the subdivision of the property into four lots. Proposed Lots 1-3 of the subdivision are intended to be developed with single family dwellings and Lot 4 will accommodate a 24-unit multiple family development that was previously approved through Conditional Use, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-DAP-DR20-06.

Because the western portion of the subject property located west of Waln Creek is split zoned RA (Residential Agriculture) and IC (Industrial Commercial), a Conditional Use Permit has been requested by the applicant to allow two of the lots in the subdivision (Lots 2 and 3) to be developed with single family dwellings because the eastern portions of these two lots are zoned IC.

Within the IC zone, single family detached dwellings are allowed as a Conditional Use pursuant to SRC 551.005(a), Table 551-1. Because single-family dwellings are specifically identified as being allowed as a Conditional Use in the IC zone, this criterion is met.

***SRC 240.005(d)(2): The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.***

**Finding:** The written statement provided by the applicant (**Attachment C**) indicates, in summary, that the proposed single-family lots will have little to no impact on the neighborhood and that Lot 4 has been approved for development of apartments, and adjacent properties to the south of the site are developed as single-family dwellings. The applicant explains that the proposed residential development will be consistent with the neighborhood while providing needed housing within the City and that any impacts of the development on the neighborhood can be mitigated through conditions of approval.

Staff concurs with the findings included in the applicant's written statement. The Conditional Use Permit application required for the proposed development is only necessary due to the small area of the western portion of the property that is zoned IC. This IC zoned area applies to portions of Lots 2 and 3 and because these lots are intended to be developed as single-family dwellings, a Conditional Use Permit is required. Because proposed Lot 1 is zoned entirely RA (Residential Agriculture), a Conditional Use Permit is not required for construction of a single-family dwelling on that lot.

The development of single-family dwellings on proposed Lots 2 and 3 will represent a land use that is consistent with the use land use pattern of the surrounding area which includes single family dwellings to the south; the potential for single family and middle housing to the north and west across Mildred Lane, due to its RA zoning; and multiple family development to the east across Waln Creek.

Although conditions of approval are being recommended in connection with the proposed development, the conditions are being recommended in order to ensure the proposed development conforms to other standards and approval criteria of the Salem Revised Code that are applicable to the development. Because the proposed single-family dwellings on Lots 2 and 3 will be compatible with the land use pattern of the surrounding area and have minimal, if any, adverse impacts on the immediate neighborhood, no conditions of approval are recommended as being necessary to satisfy this approval criterion and it is therefore met.

***SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.***

**Finding:** The written statement provided by the applicant (**Attachment C**) indicates that the proposed residential development will be consistent with the neighborhood while providing needed housing in the area. In addition, the applicant explains that the proposed single-family dwellings will have less of an impact on the surrounding area than industrial uses that are allowed within the IC zone, and that because the single-family lots are required to go through the subdivision process, which requires minimum and maximum lot dimensions, conditions of approval placed on the subdivision will help to reduce any impacts on the neighborhood.

Staff concurs with the findings included in the applicant's written statement. The proposed development of Lots 2 and 3 with single family dwellings will represent a development pattern that is consistent and compatible with that of surrounding properties which include single-family dwellings to the south; the potential for single-family and middle housing to the north and west across Mildred Lane, due to its RA zoning; and multiple family development to the east across Waln Creek. Due to the compatibility of the proposed single-family dwellings with the land uses in the surrounding area, they will similarly not result in impacts to surrounding properties. This approval criterion is met.

## **8. ANALYSIS OF TENTATIVE SUBDIVISION PLAN APPROVAL CRITERIA**

SRC Chapter 205.010(d) sets forth the following criteria that must be met before approval can be granted to a tentative subdivision plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

***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:***

- (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.***
- (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.***

**Finding:** 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 subject property is zoned RA (Residential Agriculture) and IC (Industrial Commercial).

Pursuant to SRC 265.015, any land that is zoned RA (Residential Agriculture) that is subject to a subdivision approval shall automatically be rezoned to RS (Single Family Residential) on the date the subdivision plat is recorded. Because the western portion of the subject property included within the subdivision is currently zoned RA, the provisions of SRC 265.015(a)(2) are applicable to the proposal and the RA zoned portion of the site will be automatically rezoned to RS upon the future recoding of the final subdivision plat.

Because the zoning of the western portion of the property will be changed to RS with the recording of the final subdivision plat, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the property's current IC zoning and future RS zoning.

The proposed tentative subdivision plan, as recommended to be conditioned, complies with the applicable standards of the RS and IC zones, and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

**SRC Chapter 205 (Land Division and Reconfiguration)**

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. The applicant has met all application submittal requirements necessary for adequate review of the proposed subdivision.

**SRC Chapter 511 (RS Zone) and SRC 551 (IC Zone)**

The subject property is currently zoned RA (Residential Agriculture) and IC (Industrial Commercial). As indicated above, RA zoned properties subject to a subdivision approval are automatically rezoned to RS (Single Family Residential) upon the recording of the final subdivision plat. As such, the RA zoned portion of the site will be rezoned to RS and the proposed subdivision is being reviewed for conformance with the applicable provisions of the RS and IC zones.

The standards of the RS and IC zones that are applicable to the proposed subdivision are as follows:

- **Lot Standards:**

Lot size and dimension standards within the RS zone are established under SRC 511.010(b), Table 511-2; and lot size and dimension standards within the IC zone are established under SRC 551.010(a), Table 551-2.

Within the IC zone there are no minimum lot size and dimension requirements other than a minimum street frontage requirement of 40 feet for single family uses and 16 feet for all other uses.

A summary of the lot size and dimension standards applicable to single family dwellings within the RS zones is provided in the following table:

<b>RS Zone Lot Standards for Single Family Dwellings</b>		
<b>Lot Area</b>	Min. 4,000 sq. ft.	
<b>Lot Width</b>	Min. 40 ft.	
<b>Lot Depth</b>	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots ( <i>lots with front and rear lots lines abutting a street</i> ).
	Max. 300% of average lot width	
<b>Street Frontage</b>	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of



<b>RS Zone Lot Standards for Single Family Dwellings</b>		
		a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.

Lots 1-3 of the proposed subdivision will be developed with single family dwellings and Lot 4 will be developed with a previously approved 24-unit multiple family development.

As shown on the tentative subdivision plan (**Attachment B**), Lot 1 has frontage on Mildred Lane SE; Lot 4 has frontage on both Mildred Lane SE and Woodside Drive SE; and Lots 2 and 3 are flag lots without frontage on a street that take access from Mildred Lane SE via a proposed flag lot accessway.

As identified on the tentative subdivision plan, the lot sizes of the proposed four lots within the subdivision range from approximately 5,311 square feet to 47,701 square feet. However, because Lots 1-3 are served by a flag lot accessway, the minimum lot area and dimension requirements for these lots must be met exclusive of the flag lot accessway. The resulting net lot areas of Lots 1-3, exclusive of the flag lot accessway, range from approximately 5,261 square feet to 9,980 square feet. Each of the proposed lots within the subdivision exceed the minimum lot size requirements of the RS and IC zones.

All of the proposed lots within the subdivision similarly exceed the lot dimension and street frontage standards of both the RS and IC zones and are of sufficient size and dimension to permit development of uses allowed within the zone.

▪ **Setbacks:**

Setbacks for buildings and accessory structures within the RS zone are established under SRC 511.010(d), Table 511-3, and setbacks for buildings and accessory structures in the IC zone are established under SRC 551.010(b), Tables 551-3 and 551-4.

Garage Setback: In addition to the setbacks identified above, SRC 806.025(b) requires garages facing a street or flag lot accessway to be setback a minimum of 20 feet in order to accommodate a driveway and enough space for vehicles to park on the driveway without projecting into the street right-of-way or flag lot accessway.

As indicated in this report, Lot 4 will be developed with 24-unit multiple family development that received previous approval through Conditional Use, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-DAP-DR20-06. The configuration of proposed Lot 4 matches the configuration of the property approved through the previous land use approval. As such, the proposed multiple development of that lot will conform to the applicable setback requirements of the IC zone.

Future development of proposed Lots 1-3 will be reviewed for conformance with the applicable setback requirements of the RS and IC zones when building permit applications are submitted for development of those lots

**SRC Chapter 800 (General Development Standards)**

▪ ***Designation of Lot Lines.***

SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots.

Two of the proposed lots within the subdivision are flag lots (Lots 2 and 3). In order to ensure that these two proposed lots meet the minimum lot dimension requirements of the RS and IC zones, the following condition of approval is recommended:

**Condition 2:** The front lot line designation for Lot 2 shall be the south property line and the front lot line designation for Lot 3 shall be the west property line abutting the terminus of the proposed flag lot accessway.

Proposed Lot 1 is not a flag lot and has frontage on a street; but it's proposed to take access from the flag lot accessway. Because Lot 1 has frontage on a street, it is considered an interior lot. Pursuant to SRC 800.020(a)(1), the designated front lot line of an interior lot is required to be the property line abutting the street.

However, as shown on the tentative subdivision plan, the applicant has identified the south property line of Lot 1 abutting the flag lot accessway as the front, rather the west property line abutting Mildred Lane. The subdivision designates the south property line of Lot 1 as the front in order to provide a more developable building envelope on the lot in relation to required setbacks and to be consistent with the front lot line designation of abutting Lot 2 to the south.

Because SRC 800.020(a)(1) requires the west property line of Lot 1 abutting Mildred Lane to be designated as the front, the applicant has requested a Class 2 Adjustment to this standard. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 9 of this report.

▪ ***Flag Lots.***

SRC 800.025 establishes standards for flag lots and the flag lot accessways that serve them. As shown on the tentative subdivision plan, three lots are proposed to be served by a flag lot accessway, but only two of the lots (Lots 2 and 3) are flag lots.

SRC 800.025(c) establishes the following standards for the development of flag lots accessways:

<b>Flag Lot Accessway Standards (Residential Zones)</b>		
	<b>1 to 2 Lots Served by Accessway</b>	<b>3 to 4 Lots Served by Accessway</b>
<b>Length</b>	150 ft. Max.	400 ft. Max.
<b>Width</b>	Min. 20 ft.	25 ft. Min.
<b>Paved Width</b>	Min. 15 ft.	20 ft. Min.
<b>Parking</b>	Not Allowed	Not Allowed
<b>Turnaround</b>	Required for flag lot accessways greater than 150 feet in length. <i>(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>	
<b>Maximum Number of Lots Served</b>	A maximum of four lots may be served by a flag lot accessway.	

As shown on the tentative subdivision plan, the proposed flag lot accessway serving Lots 1-3 conforms to the requirements of SRC 800.025(c). The accessway does not serve more than four lots, it doesn't exceed 150 feet in length, it includes a turnaround meeting the Public Works Design Standards (PWDS), and is proposed to be paved to a width of 25 feet, together with a five-foot-wide sidewalk along one side, within a 30-foot-wide private access and utility easement.

SRC 800.025(e) limits the maximum number of flag lots allowed within a subdivision to 15 percent. Based on the four lots proposed, the maximum number of flag lots allowed within the subdivision is one. However, as shown on the tentative subdivision plan, the proposal includes two flag lots (Lots 2 and 3). Because the number of proposed flag lots within the subdivision exceeds the maximum allowed 15 percent, the applicant has requested a Class 2 Adjustment to this standard to increase the maximum number of flag lots allowed from one to two. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 9 of this report.

**SRC Chapter 601 (Floodplain Overlay Zone)**

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that Waln Creek was not analyzed in conjunction with the adopted Flood Insurance Study for the Battle Creek Basin. However, the City has prepared Interim Flood Hazard Area maps and base flood elevations which are proposed to be adopted in 2023. Future development permits will require new structures to be constructed to a minimum of one foot above the proposed base flood elevations to limit flood damage pursuant to SRC 601.110(a)(2).

**City Infrastructure Standards (SRC Chapters 71, 802, and 803)**

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of streets, water, sewer, and storm drainage facilities and determined that the proposed subdivision, with recommended necessary conditions of approval, conforms to the requirements of SRC Chapter 71 (Stormwater), SRC Chapter 802 (Public Improvements), SRC Chapter 803 (Streets and Right-of-Way Improvements), and the Public Works Design Standards (PWDS). While SRC Chapter 205 does not require submission of public construction plans for City infrastructure prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct required City infrastructure to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

A summary of the existing and required City infrastructure improvements are as follows:

SRC Chapter 71 (Stormwater): The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004.

The Public Works Department indicates that existing stormwater facilities in the area include a 10-inch storm main located in Mildred Lane SE and a 24-inch storm main located in Woodside Drive SE.

To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

In order to ensure the proposed development can be served by storm water facilities in compliance with SRC Chapter 71 and the PWDS, the following conditions of approval are recommended:

**Condition 3:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

**Condition 4:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

A portion of the Waln Creek runs through the subject property. Pursuant to PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15-feet from the channel centerline, or 10-feet from the top of the recognized bank, whichever is greatest. In order to ensure compliance with this standard, the following condition of approval is recommended:

**Condition 5:** Along Waln Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

SRC Chapter 802 (Public Improvements): SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Specifications for required public improvements are summarized in the comments provided by the Public Works Department **(Attachment D)**.

In summary, the Public Works Department indicates that the subject property is located inside the City's Urban Service Area and adequate facilities are available. Water, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's tentative plan.

The Public Works Department indicates that the subject property is currently served by the following existing water and sewer facilities:

*Water:* The subject property is located within the S-2 water service level. A 16-inch water main is located in Mildred Lane SE and a 10-inch water main is located in Woodside Drive SE.

*Sewer:* An 8-inch sewer main is located in Woodside Drive SE and a 21-inch sewer main is located on the subject property within an easement.

In order to ensure that required City infrastructure is provided to serve the proposed subdivision in conformance with the requirements of SRC Chapter 802, the following conditions of approval shall apply:

**Condition 6:** All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.

As conditioned, the proposed subdivision conforms to the public improvement standards of SRC Chapter 802.

SRC Chapter 803 (Street and Right-of-Way Improvements): The subject property has frontage on Mildred Lane SE to the north and west and Woodside Drive SE to the east.

Mildred Lane is designed as a minor arterial street under the City's Transportation System Plan (TSP). The standard for this classification of street is a 46-foot-wide improvement within a 72-foot-wide right-of-way. The Public Works Department indicates that Mildred Lane currently has an approximate 34-foot to 46-foot-wide improvement within a 72-foot-wide right-of-way abutting the subject property. The Public Works Department explains that Mildred Lane was constructed by the City to its current standard and is considered a complete street; therefore, no additional improvements are required.

Woodside Drive SE is designated as a local street under the City's TSP. The standard for this classification of street is a 30-foot-wide improvement within a 60-foot-wide right-of-way. The Public Works Department indicates that Woodside Drive currently has an approximate 30-foot-wide improvement within a 50-foot-wide right-of-way abutting the subject property. The Public Works Department indicates that right-of-way dedication and improvements to Woodside Drive SE were required as a condition of approval for Partition Case No. PAR19-11 and there is an adequate half-street right-of-way and improvement width for Woodside Drive abutting the subject property.

The proposed subdivision meets the requirements of SRC Chapter 803.

### **SRC Chapter 808 (Preservation of Trees and Vegetation)**

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 30 percent of all of the trees on the property. If less than 30 percent of the existing trees on the property are proposed for preservation, the applicant must demonstrate that there are no reasonable design alternatives that would enable preservation of such trees and that for each tree removed in excess of 70 percent, the mitigation measures required under SRC 808.035(e) are satisfied.

Similarly, if significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

There are existing trees located on the subject property and the riparian corridor of Waln Creek bisects the site. Pursuant to SRC 808.035, the applicant submitted a tree conservation plan for the western portion of the property located west of Waln Creek that's proposed to be subdivided for the development of single-family lots. The tree conservation plan doesn't include the existing trees or the portion of the riparian corridor of Waln Creek on Lot 4 because this lot will be developed with a 24-unit multiple family development previously approved through Conditional Use, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-DAP-DR20-06. As such, tree preservation requirements for the development of Lot 4 were addressed in that previous land use approval.

The tree conservation plan submitted by the applicant identifies a total of 13 trees on the western portion of the site. None of the trees are designated as significant trees based on their size and species, but they are located within the riparian corridor of the Waln Creek. Of the total 13 trees existing on the site, the proposed tree conservation plan identifies 13 trees (*100 percent*) for preservation and none for removal. The applicant also indicates that there is no

native vegetation present within the riparian corridor. The proposed tree conservation plan therefore exceeds the minimum preservation requirements of SRC Chapter 808.

The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy. Any proposed future changes to the approved tree conservation plan will require approval of a separate tree conservation plan adjustment.

### **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.

Waln Creek bisects the subject property. The Salem-Keizer Local Wetlands Inventory (LWI) shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

### **SRC Chapter 810 (Landslide Hazards)**

The 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, the subject property includes areas of two mapped landslide hazard susceptibility points within the Waln Creek Basin. Because no development can occur within this area, a geologic assessment is therefore not required for development of 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 divides the entire 1.71-acre property into four lots with no remainder and the proposed lots within the subdivision are of sufficient size and dimension to permit development of uses allowed within the zone without impeding the future use or development of the property.

The proposed subdivision similarly does not impede the use or development of adjacent land. As shown on the tentative subdivision plan, adjacent property to the south is fully developed. This approval criterion is met.

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

**Finding:** The Public Works Department reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots

within the proposed subdivision subject to the conditions of approval established in this decision. This approval criterion is met.

***SRC 205.020(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.***

**Finding:** The subject property is located adjacent to Mildred Lane SE and Woodside Drive SE. Mildred Lane is designed as a minor arterial street under the City's Transportation System Plan (TSP) and Woodside Drive is designated as a local street.

The Public Works Department indicates that Mildred Lane was constructed by the City to its current standard and is considered a complete street; therefore, no additional improvements are required. In regard to Woodside Drive, right-of-way dedication and improvements to Woodside Drive were required as a condition of approval for Partition Case No. PAR19-11. There is an adequate half-street right-of-way and improvement width for Woodside Drive abutting the subject property. This approval criterion is met.

***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:** Access to the proposed subdivision will be provided by the network of existing public streets that surround the property. Due to size of the property, its location in a developed area surrounded by existing streets, and the presence of a creek which bisects it, the ability to extend new streets through the property is not possible. Instead, the lots within the subdivision will be served by the existing streets on the perimeter of the site and the proposed flag lot accessway serving Lots 1-3.

As indicated in the comments from the Public Works Department, Mildred Lane was constructed by the City to its current standard and is considered a complete street requiring no additional improvements, and Woodside Drive has an adequate half-street right-of-way and improvement width abutting the subject property.

These existing improvements ensure that the street system adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This approval criterion is met.

***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 subject property is located within one-half mile of Sunnyside Garden Neighborhood Park, Wiltsey Road Park, and shopping areas on Commercial Street SE to the east. The nearest transit service available to the site is provided by Cherriots Route 6 (Fairview Industrial) along the Mildred Lane frontage of the property with a stop located approximately 30



feet to the south of the property adjacent to the intersection of Mildred Lane and Marstone Court SE. Transit service is also available along Commercial Street via Route 21 (South Commercial).

Principle access to the subdivision will be provided by Mildred Lane SE, a minor arterial street. As indicated in the comments from the Public Works Department Mildred Lane is considered a complete street and is improved with sidewalks and bike lanes providing for safe and convenient bicycle and pedestrian access from the subdivision to adjacent transit stops and activity centers within one-half-mile of the development.

In order to promote bicycle and pedestrian access and connectivity between parks, the Salem Comprehensive Park System Master Plan identifies a proposed trail that runs through the subject property along Waln Creek. In order to accommodate the proposed trail, a minimum 20-foot-wide public access easement is required in an alignment approved by the Public Works Director. The Public Works Department indicates that the alignment may be over existing easements for public utilities on the site, along the creek. In order to ensure that the proposed subdivision provides for safe and convenient bicycle and pedestrian access from within the subdivision to adjacent activity centers, including parks, the following condition of approval is recommended:

**Condition 7:** Dedicate a minimum 20-foot-wide public access easement for a Parks Master Plan Trail in an alignment approved by the Director.

The proposed subdivision, as recommended to be conditioned, will provide safe and convenient bicycle and pedestrian access from the subdivision to adjacent residential areas, transit stops, and activity centers within one-half mile of the development. This criterion is met.

***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 reviewed the proposal and determined the proposed four-lot subdivision will generate less than 1,000 average daily vehicle trips onto the minor arterial street system. Because the number of trips estimated to be generated by the proposed subdivision fall below the minimum threshold to require a transportation impact analysis (TIA), a TIA is not required in conjunction with the proposed subdivision and this approval criterion is therefore not applicable.

***SRC 205.010(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.

As described in findings above, the lot and street configuration established by the proposed subdivision meet applicable development standards; and the configuration of the proposed lots

makes logical use of the developable land. No existing conditions of topography or vegetation have been identified on the site which would necessitate further adjustments during future development of the property. The proposed layout allows for reasonable development of all lots within the subdivision without any anticipated variances from the UDC. This approval criterion is met.

***SRC 205.010(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:** As explained in the findings establishing conformance with SRC 205.010(d)(8) above, the tentative subdivision plan configures lots and streets to allow residential development of the site while minimizing disruptions to topography and vegetation. The proposed lots are also of sufficient size and dimension to permit future development of uses allowed within the zone. This approval criterion is met.

***SRC 205.010(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 lies within the City's Urban Service Area. Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located inside the Urban Service Area are not required to obtain an Urban Growth Preliminary Declaration. This approval criterion is therefore not applicable to the proposed development.

## **9. ANALYSIS OF CLASS 2 ADJUSTMENT APPROVAL CRITERIA**

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

***SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:***

- (i) Clearly inapplicable to the proposed development; or***
- (ii) Equally or better met by the proposed development.***

**Finding:** The applicant has requested four Class 2 Adjustments in conjunction with the proposed subdivision. They include:

- a) Increasing the number of flag lots allowed within the subdivision from a maximum of one, as allowed under SRC 800.025(e), to two;

- b) Designating the south property line of Lot 1 abutting the flag lot accessway as the front lot line rather than the property line abutting Mildred Lane SE as required under SRC 800.020(a)(1);
- c) Allowing single family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4)); and
- d) Reducing the minimum 370-foot driveway spacing between Marstone Court SE and the proposed flag lot accessway serving Lots 1, 2, & 3, required under SRC 804.035(d);

**Maximum Number of Flag Lots (SRC 800.025(e)):**

The applicant has requested a Class 2 Adjustment to SRC 800.025(e), which limits the maximum number of flag lots allowed within a subdivision to 15 percent. The underlying purpose of this standard is to limit the overall number of lots within a subdivision that can be developed as flag lots without frontage on a street. This same limitation does not, however, apply to partitions (*land divisions creating three or fewer lots*).

As compared to flag lots, lots with frontage on a street provide superior vehicular access and promote a safer and more pedestrian-oriented development pattern with sidewalks along the street.

As shown on the tentative subdivision plan, two of the lots within the subdivision are proposed flag lots (Lots 2 and 3) and a total of three lots (Lots 1, 2, and 3) are proposed to be served by a flag lot accessway improved to a minimum width of 25 feet together with a 5-foot-wide sidewalk along one side and a turnaround meeting the Public Works Design Standards (PWDS).

Because the proposed flag lot accessway has been designed to exceed the minimum flag lot accessway standards of SRC 800.025(c) by providing a wider paved width and a sidewalk along one side, the accessway is instead being designed to function more like a reduced width private street than a narrower flag lot accessway. The wider improved accessway width allows for improved circulation between passing vehicles, provides a greater width to accommodate emergency vehicle access, and the sidewalk provides for safer and more convenient pedestrian access to the street. Because of this, the proposed development equally meets the underlying purpose of this standard by creating lots that are more similar to traditional lots served by a private street than flag lots served by a narrower flag lot accessway.

In addition, the physical characteristics of the property also help the proposed development to equally meet the underlying purpose of this standard because, although proposal includes a subdivision of four lots, the proposed lots on the western portion of the property are more similar to three lots that could have been created through a partition due to the fact that Waln Creek bisects the property and provides a physical barrier between the eastern and western portions of the property. If only the western portion of the property had been proposed to be divided without needing to include the remaining portion of the property across Waln Creek to the west, the proposal would have been a three-parcel partition where there is no limit on the maximum number of flag lots and the proposed lot configuration would be able to be approved without an adjustment to this standard.

In order to ensure that the proposed flag lot accessway within the subdivision is developed as shown on the tentative subdivision plan, thereby ensuring the proposed development equally meets the underlying purpose of this standard, the following condition of approval is recommended:

**Condition 8:** The flag lot accessway serving Lots 1-3 shall be developed as shown on the tentative subdivision plan to include a 25-foot-wide paved width together with a 5-foot-wide sidewalk. "NO PARKING–FIRE LANE" signs shall be posted on both sides of that portion of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

The proposed development, as recommended to be conditioned, satisfies this approval criterion.

**Front Lot Line Designation of Lot 1 (SRC 800.020(a)(1)):**

The applicant has requested a Class 2 Adjustment to SRC 800.020(a)(1), which requires the front lot line of an interior lot to be the property line abutting the street. The underlying purpose of this standard is to ensure that lots that have only one street frontage designate their front lot line as the property line abutting the street.

As shown on the tentative subdivision plan, Lot 1 is a lot that has frontage on Mildred Lane but the applicant has requested that the front lot line for this lot be the southern property line abutting the proposed flag lot accessway, rather than the property line abutting Mildred Lane, in order to provide a more developable building envelope on the lot in relation to required setbacks and to be consistent with the front lot line designation of abutting Lot 2 to the south.

The underlying intent of this standard is equally met by the proposed development because although the applicant is requesting the front lot line of Lot 1 to be the southern lot line abutting the proposed flag lot accessway, the increased width of the accessway, together with the proposed 5-foot sidewalk, makes the accessway more like a reduced width private street than a flag lot accessway. As such, Lot 1 could be compared to being a corner lot with frontage on a public street and a reduced width private street. For corner lots, SRC 800.020(a)(2) allows the front lot line to be designated on the street that the building permit applicant chooses, provided that minimum lot dimension standards are met.

In this case, because the flag lot accessway is designed to be more like a private street, the applicant's request to designate the southern property line as the front is consistent with what would be allowed if the lot were a corner lot. With the designation of the southern property line as the front, the lot dimensions of the lot are still met, it provides a more developable building envelope for the lot when required setbacks are taken into consideration, and it will be consistent with the front lot line designation of Lot 2 to the south. The proposed development therefore equally meets the underlying purpose of this standard and this approval criterion is met. Based on the applicant's requested adjustment to designate the south property line as the front property line, the following condition of approval is recommended:

**Condition 9:** The front lot line designation for Lot 1 shall be the south property line abutting the proposed flag lot accessway.

**Single Family Dwelling Access to Minor Arterial Street (SRC 804.035(c)(4)):**

The applicant has requested a Class 2 Adjustment to SRC 804.035(c)(4), which precludes access onto a major or minor arterial street from a single family, two family, three family, or four family use constructed as part of a subdivision or partition. The underlying purpose of this standard is to restrict multiple new driveways onto arterial streets for lots created through a subdivision or partition. Arterial streets are intended to accommodate high volumes of traffic and restricting individual access points limits conflicts with vehicles entering the roadway.

The underlying purpose of this standard is equally met by the proposed development because only one point of access onto the arterial street is provided for the three lots. Additionally, with the conditions recommended in conjunction with the approval of the requested Class 2 Driveway Approach included in Section 10 of this report concerning sight distance and forward in/forward out movements, any conflicts with vehicular traffic on the arterial street are minimized. This criterion is met.

**Driveway Spacing (SRC 804.035(d)):**

The applicant has requested a Class 2 Adjustment to SRC 804.035(d), which requires driveway approaches onto major or minor arterials to be located no less than 370 feet from the nearest driveway or street intersection. The underlying purpose of this standard is to promote safe vehicular access onto arterial streets.

The development is proposing one new driveway onto Mildred Lane SE. The proposed driveway is on the inside of the curve of the street, which limits sight distance in both directions. As part of the application package, the applicant submitted a Sight Access Analysis that demonstrates the proposed location of the driveway provides the most optimal sight distance along the frontage of the property. The proposed driveway configuration therefore meets the adjustment criteria by allowing for movements and traffic safety equal to what would be accomplished by meeting the development standard. This criterion is met.

***SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

**Finding:** The subject property is split zoned residential and non-residential. Neither the proposed development nor the adjustments requested by the applicant will detract from the livability of appearance of the residential area. Proposed Lot 4 will be developed with a multiple family development, as previously approved through Conditional Use, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-DAP-DR20-06, and proposed Lots 1-3 will be developed with single family dwellings consistent with surrounding development to the south and west of the subject property. This criterion is met

***SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.***

**Finding:** A total of four adjustments have been requested in conjunction with the proposed development and, although more one adjustment has been requested, each adjustment is the minimum necessary to allow the reasonable development of the property in conformance with the purposes of the RS and IC zones. This approval criterion is met.

## **10. ANALYSIS OF CLASS 2 DRIVEWAY APPROACH PERMIT APPROVAL CRITERIA**

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria in **bold**, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

***SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.***

**Finding:** The applicant has requested two adjustments to the applicable driveway approach standards included under SRC Chapter 804. They include an adjustment to allow single family dwellings constructed as part of a subdivision to take access onto a minor arterial street and an adjustment to reduce the minimum required 370-foot driveway spacing between Marstone Court SE and the proposed flag lot accessway serving Lots 1, 2, & 3. Analysis of the Class 2 Adjustment requests and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 9 of this report. The proposed driveway, as approved with the requested Class 2 Adjustments, meets the applicable standards of SRC 804 and the PWDS. This criterion is met.

***SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.***

**Finding:** The Public Works Department reviewed the proposal and determined that no site conditions exist prohibiting the location of the proposed driveway approach. This approval criterion is met.

***SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.***

**Finding:** The proposed subdivision includes one driveway approach onto Mildred Lane serving three lots. Based on the size and location of the subject property and the fact that it is bisected by Waln Creek, the only feasible means of providing access to the western portion of the site is by a new driveway approach. Rather than seeking approval for three driveway approaches onto Mildred Lane, one driveway approach is proposed. This criterion is met.

***SRC 804.025(d)(4): The proposed driveway approach, where possible:***

***(A) Is shared with an adjacent property; or***

***(B) Takes access from the lowest classification of street abutting the property***

**Finding:** The proposed driveway approach accesses an arterial street and is shared between three lots. The subject property is split by Waln Creek. A shared driveway approach between all four lots created by the proposed subdivision is not feasible due to the creek. This criterion is met.

***SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.***

**Finding:** The proposed driveway approaches meet the PWDS vision clearance standards set forth in SRC chapter 805.

***SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.***

**Finding:** The Public Works Department reviewed the proposed driveway approach for conformance with the requirements of SRC Chapter 804 and indicated that no evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that with recommended conditions, it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

As part of the application package, the applicant submitted a Sight Distance Analysis (**Attachment E**) to ensure safe access is provided onto the arterial street. The Assistant City Traffic Engineer has reviewed the proposed Sight Distance Analysis and agrees with the findings and recommends vegetation and structures be restricted within the required site lines, as shown on the applicants Site Access Analysis dated October 20, 2022.

Pursuant to SRC 804.035(c)(5), only forward in/forward out access shall be allowed onto an arterial street. The applicants tentative plan shows a hammerhead turnaround to accommodate forward in/forward out movements from the proposed accessway to Mildred Lane SE. In order to ensure the proposed driveway approach does not create traffic hazards and provides for safe turning movements and access, the following conditions of approval are recommended:

**Condition 10:** Dedicate a vision clearance easement area as shown on the Site Access Analysis submitted with the application and dated October 20, 2022. No structures, fences, or vegetation over 30-inches tall shall be allowed within the vision clearance area.

**Condition 11:** The flag lot accessway serving Lots 1-3 shall include a turnaround as shown on the tentative subdivision plan to ensure forward-in/forward-out movement onto Mildred Lane SE.

The proposed driveway approach, as recommended to be conditioned, meets this approval criterion.

***SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.***

**Finding:** The Public Works Department reviewed the proposed driveway approach and indicated that staff analysis of the driveway approach, and the evidence that has been submitted, indicate that the location of the approach will not have any adverse impact to the adjacent properties or streets. This approval criterion is met.

***SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.***

**Finding:** The Public Works Department reviewed the proposed driveway approach and provided comments indicating the driveway approach is located on a minor arterial street and minimizes the impact to adjacent streets and intersections by providing adequate sight distance and being shared by multiple parcels. This approval criterion is met.

***SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.***

**Finding:** The proposed development is surrounded by residentially zoned property. The proposed driveway approach balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets. This criterion is met.

## **CONCLUSION**

Based on the facts and findings presented herein, staff concludes that the proposed Conditional Use Permit, Subdivision Tentative Plan, Class 2 Adjustment, and Class 2 Driveway Approach Permit, as recommended to be conditioned, satisfy the applicable criteria contained under SRC 240.005(d), SRC 205.010(d), SRC 250.005(d)(2), and SRC 804.025(d) for approval.

## **RECOMMENDATION**

Based on the facts and findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the requested Conditional Use Permit, Subdivision Tentative Plan, Class 2 Adjustment, and Class 2 Driveway Approach Permit for the proposed four-lot subdivision of property located in the 1300 Block of Mildred Lane SE, subject to the following conditions of approval, which must be completed prior to final plat approval, unless otherwise indicated:

Conditions 4, 8, and 11 shall be completed prior to final plat approval or may be delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

**Condition 1:** Prior to final plat approval, provide evidence demonstrating the proposed lots will be served with adequate fire department access and water supply in compliance with the Oregon Fire Code.

**Condition 2:** The front lot line designation for Lot 2 shall be the south property line and the front lot line designation for Lot 3 shall be the west property line abutting the terminus of the proposed flag lot accessway.

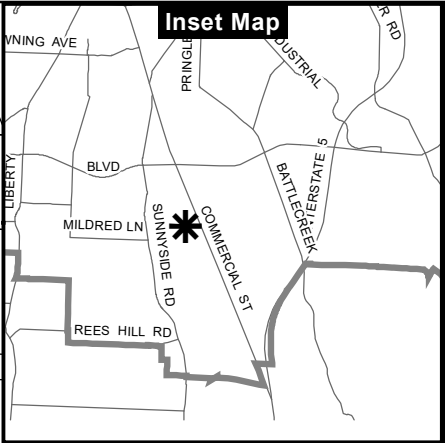


- Condition 3:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 4:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 5:** Along Waln Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 6:** All necessary (existing and proposed) access and utility easements shall be shown and recorded on the final plat.
- Condition 7:** Dedicate a minimum 20-foot-wide public access easement for a Parks Master Plan Trail in an alignment approved by the Director.
- Condition 8:** The flag lot accessway serving Lots 1-3 shall be developed as shown on the tentative subdivision plan to include a 25-foot-wide paved width together with a 5-foot-wide sidewalk. "NO PARKING–FIRE LANE" signs shall be posted on both sides of that portion of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 9:** The front lot line designation for Lot 1 shall be the south property line abutting the proposed flag lot accessway.
- Condition 10:** Dedicate a vision clearance easement area as shown on the Site Access Analysis submitted with the application and dated October 20, 2022. No structures, fences, or vegetation over 30-inches tall shall be allowed within the vision clearance area.
- Condition 11:** The flag lot accessway serving Lots 1-3 shall include a turnaround as shown on the tentative subdivision plan to ensure forward-in/forward-out movement onto Mildred Lane SE.








- Attachments:
- A. Vicinity Map
  - B. Applicant's Tentative Subdivision Plan
  - C. Applicant's Written Statement
  - D. City of Salem Public Works Department Comments
  - E. Drive Approach Sight Distance Analysis

Prepared by Bryce Bishop, Planner III

# Vicinity Map 1300 Block of Mildred Lane SE



**Legend**

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



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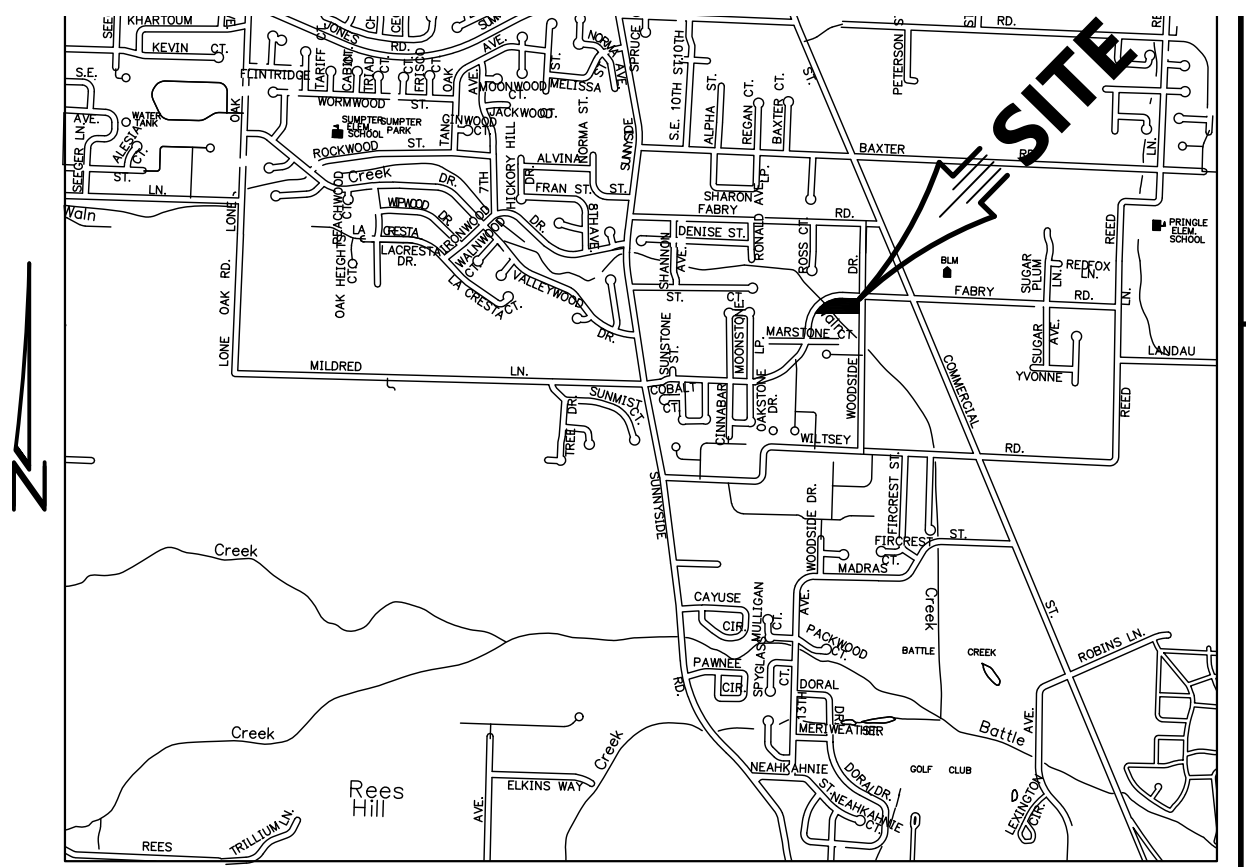
Owner / Developer:  
**JCT HOLDINGS LLC**  
 201 FERRY ST SE, STE 400  
 SALEM, OREGON 97301

Engineer:  
**MULTI/TECH ENG.**  
 1155 13TH ST SE  
 SALEM, OREGON 97302  
 503-363-9227

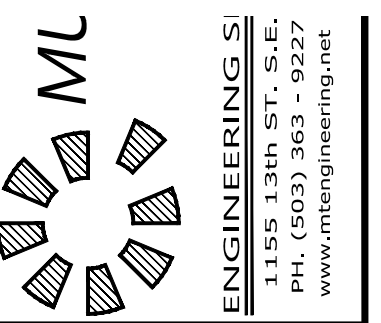
# WALN CREEK CROSSING

SEC. 14, T. 8 S., R. 3 W., W.M.  
 CITY OF SALEM  
 MARION COUNTY, OREGON  
 74,679 SQ. FT. (7.71 ACRES)

# Attachment B



VICINITY MAP



TENTATIVE SUBDIVISION PLAN  
 COVER SHEET

WALN CREEK CROSSING

NO CHANGES, MODIFICATIONS  
 OR REPRODUCTIONS TO BE  
 MADE TO THESE DRAWINGS  
 WITHOUT WRITTEN THE  
 AUTHORITY OF THE  
 DESIGN ENGINEER.  
 DIMENSIONS & NOTES TAKE  
 PRECEDENCE OVER  
 GRAPHICAL REPRESENTATION.

Design: M.D.G.  
 Drawn: T.N.S.  
 Checked: J.J.G.  
 Date: MAY 2021  
 Scale: AS SHOWN

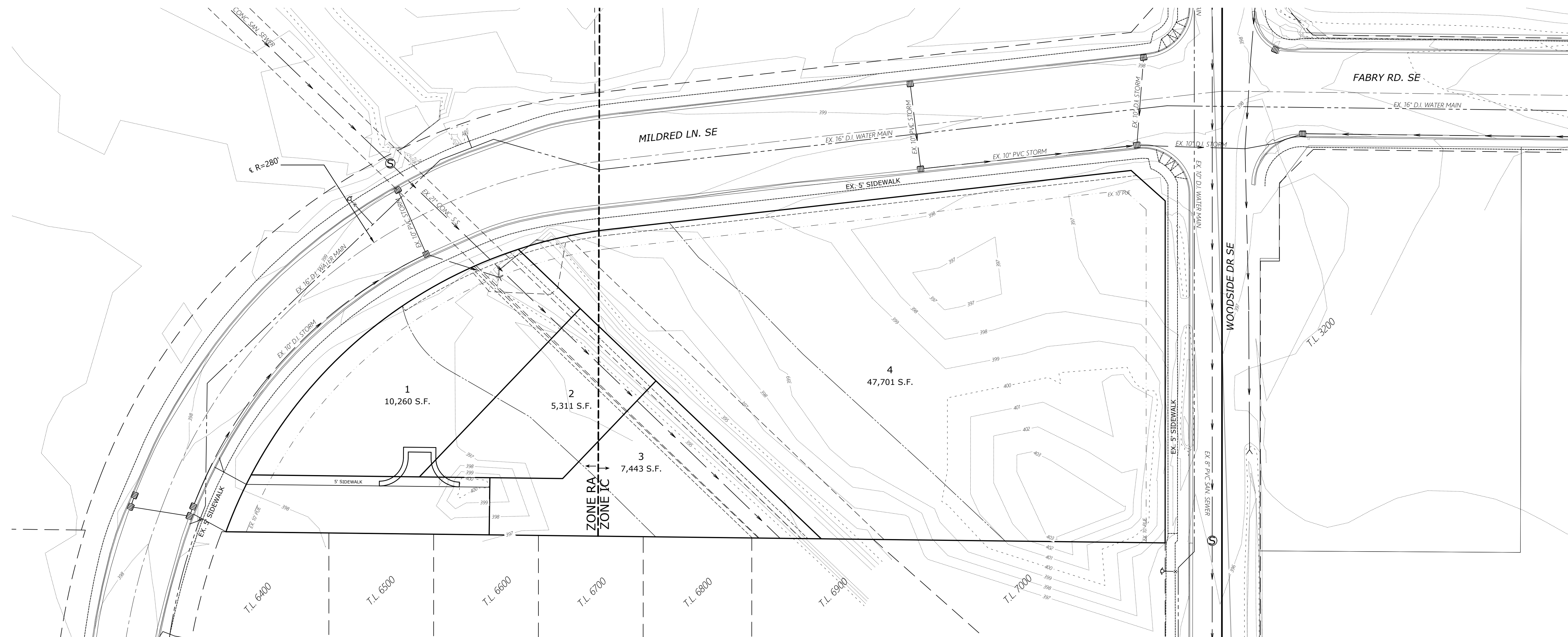
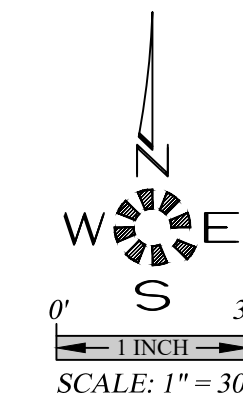


EXPIRES: 06-30-2021

JOB # 7025

1 OF 4

**B.M. 8300**  
 A 2" ALUMINUM DISK LOCATED IN THE  
 BEGINNING OF RADIUS OF THE CURB, N.E.  
 CORNER OF BAXTER CT. & BAXTER RD.  
 ELEVATION: 406.76 (NGVD 29)



**SYMBOLS**

EXIST. PROP.	PROB.	EXIST. PROP.	PROB.
○	BLOW OFF ASSY.	○	MANHOLE SAN. SEWER
□	CATCH BASIN	○	MANHOLE STORM DRAIN
□	CATCH BASIN CLEANOUT	○	2" DIA. C.O. / M.H.
□	CATCH BASIN INLET	○	MANHOLE TELEPHONE
△	CATV PED. / BOX	○	MANHOLE TELEPHONE
△	CLEANOUT	○	EASEMENT
○	ELEC. PED. / BOX	○	REDUCER / INCREASER
○	FIRE HYDRANT	○	TEL. PED. / BOX
○	GAS VALVE	○	TRAFFIC PED. / BOX
○	GAS VALVE	○	UTILITY / POWER POLE
○	MAIL BOX	○	WATER METER
○	CABLE TELEVISION	○	WATER VALVE
○	CENTERLINE	○	SANITARY SEWER EXIST.
○	DITCH C.L.	○	SANITARY SEWER PROP.
○	ELECTRICAL LINE	○	STORM DRAIN EXIST.
○	GAS MAIN	○	STORM DRAIN PROP.
○	TELEPHONE LINE	○	WATER MAIN EXIST.
○		○	WATER MAIN PROP.

**ABBREVIATIONS**

A.C.	ASPHALTIC CONCRETE	L.P.	LIGHT POLE
ACMP	ALUMINIZED CMP	M	METER, MAIN
ASSY.	ASSEMBLY	M.H.	MANHOLE
B.O.	BLOW OFF	MTL	METAL
B.F.V.	BUTTERFLY VALVE	O.H.	OVERHEAD
C & G	CURB & GUTTER	PC	POINT OF CURVE
CATV	CABLE TELEVISION	PCC	POINT OF CONTINUING CURVE
C.B.	CATCH BASIN	PEDESTAL	PEDESTAL
C.B.C.O.	CATCH BASIN CLEANOUT	PRC	POINT OF REVERSE CURVE
C.B.I.	CATCH BASIN INLET	PROP.	PROPOSED
C.L.	CENTERLINE	PT	POINT OF TANGENCY
CMP	CORRUGATED METAL PIPE	PUB.	PUBLIC
C.O.	CLEANOUT	PUE	PUBLIC UTILITY EASMT.
CONC.	CONCRETE	PVC	POLYVINYL CHLORIDE
CONST.	CONSTRUCT	PVT.	PRIVATE
D.I.	DUCTILE IRON	P.P.	POWER POLE
DIA.	DIAMETER	P.L.	PROPERTY LINE
DWG.	DRAWING	R	RADIUS
EASMT.	EASEMENT	RIM	RIM
E.G.	EXIST. GRADE / GROUND	RD	ROAD
EOP, E.P.	EDGE OF PAVEMENT	R.O.W.	RIGHT-OF-WAY
ELEV.	ELEVATION	SAN.S. or S.S.	SANITARY SEWER
EX. or EXIST.	EXISTING	S	SLOPE
FT.	FEET	STA.	STATION
F.F.	FINISH FLOOR	STD.	STANDARD
F.G.	FINISH GRADE	STL.	STEEL
F.H.	FIRE HYDRANT	STM DRN. or S.D.	STORM DRAIN
F.M.	FORCE MAIN	SVC.	SERVICE
GUT. or GTR.	GUTTER	SW	SIDEWALK
G.V.	GATE VALVE	T.C.	TOP OF CURB
IMP.	IMPROVEMENT	TEL.	TELEPHONE
INST.	INSERT	TYP.	TYPICAL
INV. or I-	INVERT	U.G.	UNDERGROUND
L	LENGTH, LINE	VLT.	VAULT
		W.M.	WATER MAIN

1/10/2021 10:46:46 AM C:\Users\jct\OneDrive\Documents\7025\Waln Creek Crossing\1. 8/21/2021 11:36:17 AM C:\Users\jct\OneDrive\Documents\7025\Waln Creek Crossing\1. 8/21/2021 11:36:17 AM C:\Users\jct\OneDrive\Documents\7025\Waln Creek Crossing\1. 8/21/2021 11:36:17 AM

**TENTATIVE SUBDIVISION PLAN  
 DETAIL PLAN**

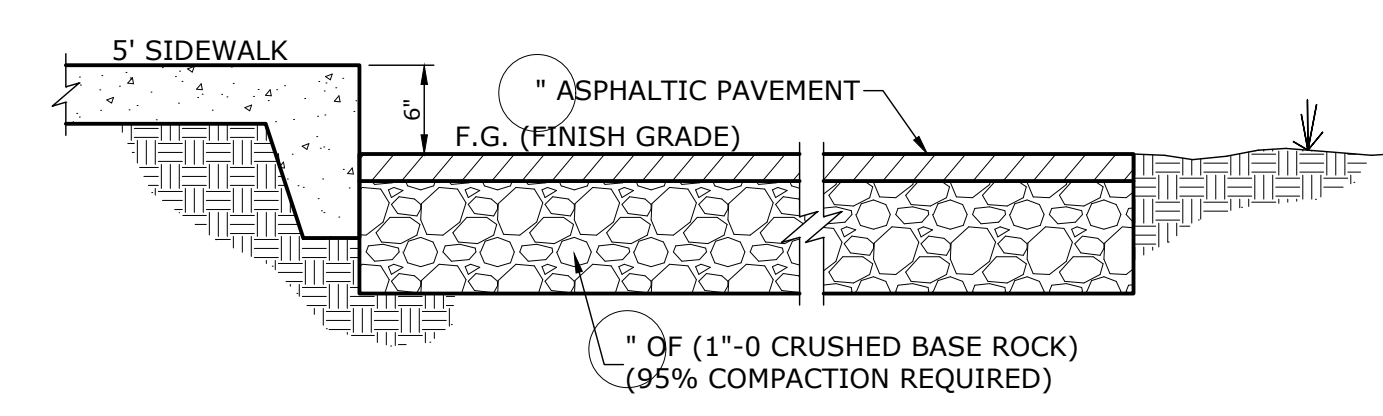
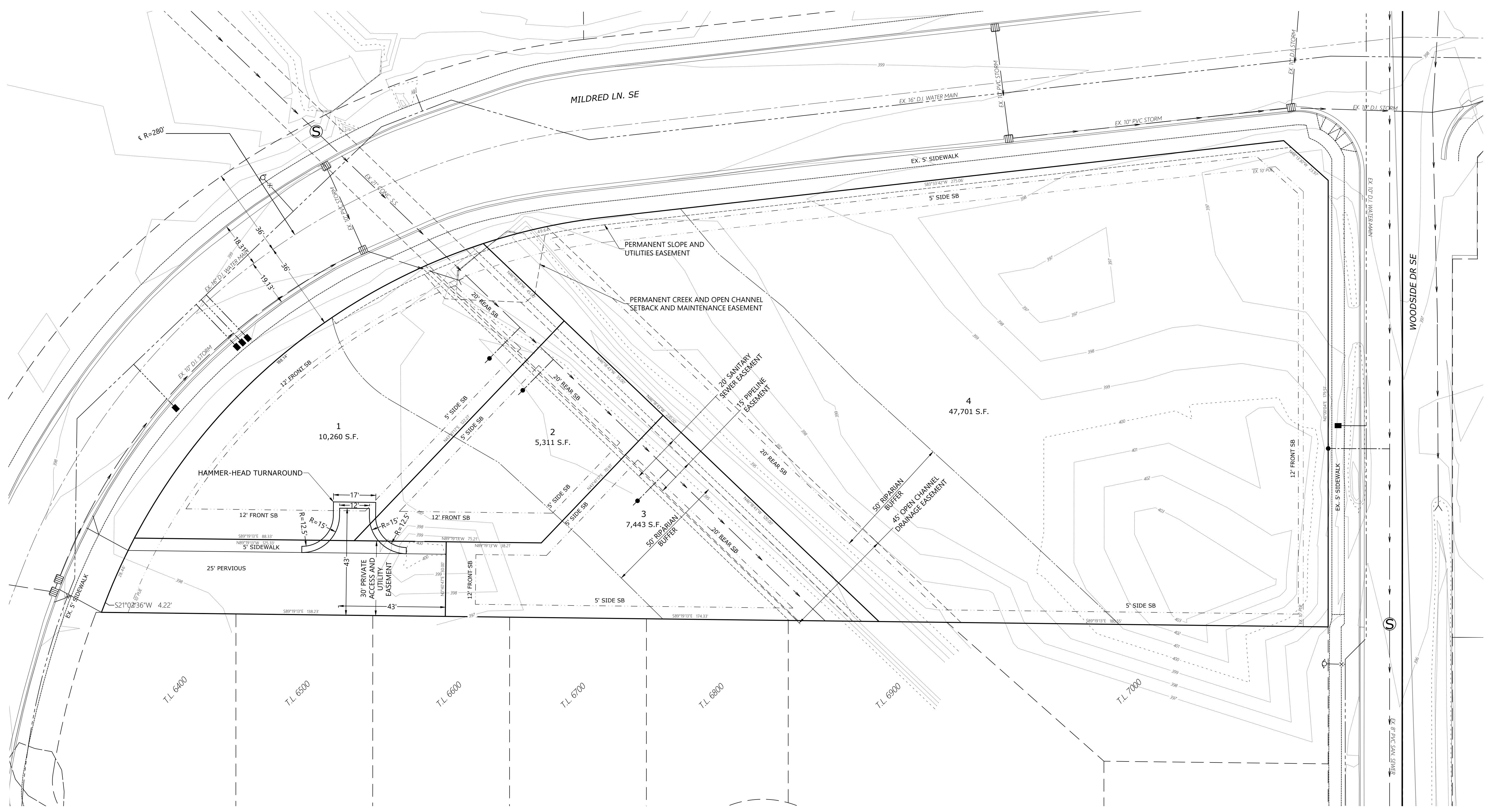
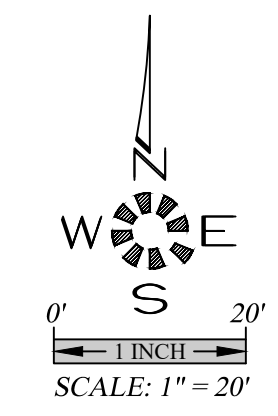
**WALN CREEK CROSSING**

NO CHANGES, MODIFICATIONS  
 OR REPRODUCTIONS TO BE  
 MADE TO THESE DRAWINGS  
 WITHOUT THE WRITTEN  
 AUTHORIZATION FROM THE  
 DESIGN ENGINEER.  
 DIMENSIONS & NOTES TAKE  
 PRECEDENCE OVER  
 GRAPHICAL REPRESENTATION.

70259 2  
 Design: M.D.G.  
 Drawn: T.N.S.  
 Checked: J.J.G.  
 Date: MAY 2021  
 Scale: AS SHOWN



EXPIRES: 06-30-2021  
 JOB # 7025



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Waln Creek Crossing

August 29, 2022

**Background:**

August 29, 2019- Partition 19-11 was approved. The subject property is Parcel 3 of Partition 19-11.

October 22, 2020- CU-SPR-DAP-DR20-06 was approved for Lot 5 of the proposed subdivision.

May 18, 2021-The applicant notified the South Gateway Neighborhood Association to inform them of the proposed 5 lot subdivision.

July 11, 2022-The applicant notified the South Gateway Neighborhood Association to inform them of the proposed subdivision.

**Proposal:**

The subject property is about 1.71 acres in size and zoned RA (Residential Agriculture) and IC (Industrial Commercial). The subject property is Parcel 3 of Partition 19-11.

The applicant is proposing to divide the subject property into 4 lots:

- Lot 1: 10,260sq.ft./RA zoned
- Lot 2: 5,311sq.ft./RA zoned, and IC zoned
- Lot 3: 7,443sq.ft./RA zoned, and IC zoned
- Lot 4: 47,701sq.ft./RA zoned, and IC zoned (CU-SPR-DAP-DR20-06 Approval)

**Applications:**

- Subdivision
- Conditional Use
- Driveway Approach Permit

**Adjustments:**

Section 804.035(d)-Spacing (Access onto major and minor arterials)

**Alternative Street Standards:**

Alternative Street Standards to allow a curb line sidewalk

**SITE VICINITY and CHARACTERISTICS:**

The subject property is located west side of Woodside Drive, and south of Mildred Lane SE. The subject property is identified as 083W14CB/Tax Lots 2401 and 2501.

The surrounding properties are zoned and used as follows:

- North: Across Mildred Lane, RA (Residential Agriculture); existing single-family dwellings
- East: IC (Industrial Commercial); existing single-family dwelling to be removed
- South: RS (Single Family Residential); existing single-family dwellings
- West: RS (Single Family Residential); existing single-family dwellings



**CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 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:**

**(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.**

**(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

Findings: The Salem Revised Code (SRC), which includes the Salem Zoning Code, 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 Subdivision Code, Zoning Code, Salem TSP and the Water, Sewer and Storm Drain System Master Plans, and adopted design documents applicable to residential development. The proposed meets all applicable provisions of the Salem Revised Code.

A) The subject property is about 1.71 acres in size and zoned RA (Residential Agriculture) and IC (Industrial Commercial). The subject property is Parcel 3 of Partition 19-11.

The applicant is proposing to divide the subject property into 4 lots:

Lot 1: 10,260sq.ft./RA zoned

Lot 2: 5,311sq.ft./RA zoned, and IC zoned

Lot 3: 7,443sq.ft./RA zoned, and IC zoned

Lot 4: 47,701sq.ft./RA zoned, and IC zoned (CU-SPR-DAP-DR20-06 Approval)

Proposed Lots 1 through 3 will have access off a 30-foot access easement.

Minimum Lot Area and Dimensions: As shown on the site plan, all the RA zoned lots meet lot size (4,000 square feet) and lot dimension (40' by 70') standards as required under UDC Chapters 510 and 511. The proposed lots range in size from 5,311 square feet to 47,701 square feet in size.

Additional reviews occur at the time of building permits to assure compliance with the zoning code. Compliance with conditions of approval to satisfy the subdivision ordinance is also checked prior to city staff signing the final subdivision plat.

The proposal can conform to applicable conditions imposed as necessary to ensure that development conforms to the standards of the subdivision code and with existing development and public facilities. Expect for those lots mentioned above, the proposed subdivision is in compliance with lot standard requirements and required access. Therefore, this criteria has been met.

B) Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services.

The subject property is located within the UGB and inside the Urban Service Area (USA). Therefore, an Urban Growth Preliminary Declaration is not needed.

Proposed Storm Water Management System:

An LID (low impact development) Storm water technique will be used to mitigate the increase in pollutants contributed from development. The exact system will be determined at the time of design. If required, any proposed technique will meet City of Salem Stormwater Management standards in means and methods to provide all aspects of Storm water management. A Preliminary Drainage report dated May 12, 2021, has been provided as part of this submittal.

Therefore, this criteria has been met.

- C) There are no wetlands or floodplains located on the subject property. A geological assessment dated May 15, 2020, was provided as part of this submittal. The assessment outlined the nature, distribution of underlying geology, and the physical and chemical properties of existing soils; an opinion as to stability of the site, and conclusions regarding the effect of geologic conditions on the proposed development as required. See attached geological assessment.

The subject property is not located within any overlay, floodplain, or vision clearance issues on the site.

Waln Creek runs through the western portion of proposed Lot 4 which has SPR approval (CU-SPR-DAP-DR20-06), and the northeastern portion of Lots 1 through 3. The riparian corridor has been identified the site plan. No development will be within the 50-foot riparian buffer.

This criteria has been met.

**(2) *The tentative subdivision plan does not impede the future use or development of the property or adjacent land.***

Findings: The proposal is for the entire subject property and will be developed into 4 lots, with Lot 4 already having SPR approval for a 24-unit apartment complex. The approval for Lot 4 has been provided to show that proposed development.

All surrounding properties have direct access onto the existing street system. All proposed 4 lots will have direct access onto the existing street system (Mildred Lane) as well. Lots 1 through 3 will have direct access onto Mildred Lane via a 30-foot-wide access easement with curb line sidewalks.

Surrounding properties to the south are fully developed. The subdivision does not impede the future use of the property or adjacent land.

A Homeowners Association will not be established for the subdivision as one is not needed.

**(3) *Development within the tentative subdivision plan can be adequately served by city infrastructure.***

Findings: Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines.

In conclusion, the location and design of the proposed subdivision allows for public sanitary sewer, water service, and storm drainage to be conveniently provided. Therefore, this criterion has been satisfied.

Proposed StormWater Management System:

Stormwater quality and quantity are required for this development. An LID (low impact development) Stormwater technique will be used to mitigate the increase in pollutants contributed from development. This system may also be used to provide storage and water quantity control. The exact system will be determined at the time of design. Any proposed technique will meet City of Salem Stormwater Management standards in means and methods to provide all aspects of Stormwater management.

A Preliminary Stormwater Drainage report dated May 12, 2021, has been provided as part of this submittal.

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

***Findings:*** The major street system is in place due to prior development. Mildred Lane located to the north of the site will provide access into the development for all 4 lots. Lots 1 through 3 will have access onto Mildred Lane via a 30-foot access easement with curb line sidewalks. Mildred Lane designated as a 'minor arterial' on the Salem Transportation System Plan.

The existing street systems conform to the City's Transportation Plan. All street design and improvements will be determined through the subdivision review process and regulated through the Conditions of Approval. There are no proposed internal streets.

The major street network in the area has been established and is consistent with the Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this subdivision.

The proposed 4 lot subdivision is not large enough to warrant a Traffic Impact Analysis (TIA).

The existing street system and proposed street improvements will be in compliance with the STSP. All lots are in compliance with the UDC/SRC.

The layout of the lots and internal streets take 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 site.

The applicant has requested an Alternative Street Standard to allow a curb line sidewalks. All street design and improvements will be determined through the subdivision review process and regulated through the Conditions of Approval.

Due to the shape of the infill lot, the proposed access easement can only be 30 feet in width with curb line sidewalks. The curb line sidewalk is allowed per Code and helps to maximize density on the site. Therefore, meeting code.

Therefore, the existing street system and proposed street improvements will be in compliance with the STSP.

Transportation Planning Rule Review:

The City of Salem's TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed subdivision is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015, and has therefore been reviewed for consistency with the State's TPR multi-modal connectivity requirements.



In conclusion, the development will provide bicycle and pedestrian facilities on-site via paved sidewalks, to encourage people to walk and reduce vehicle trips. The proposed subdivision is in compliance with the intent of the TPR to reduce vehicle usage and encourage other modes of transportation to and from the site.

**(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.**

Findings:

General Circulation: The proposed subdivision will result in the creation of 4-lots. Mildred Lane is located along the northwestern property line of the subject property. Vehicular access to the proposed Lots 1-3 will be taken from Mildred Lane to the north via a 30-foot access easement with curb line sidewalks. Lot 4 will have direct access onto Mildred Lane as approved through CU-SPR-DAP-DR20-06. The existing streets will provide safe and efficient access to the lots and the existing street system, by providing direct access to the site.

Boundary Streets: There are two streets abutting the subject properties, Mildred Lane, running along the north side of the property and Woodside Drive running along the east side of the property. Boundary street improvements will be determined with and met by the Conditions of Approval at the time of development of the site.

Internal Streets: There are no internal public streets proposed or required in conjunction with the proposed partition.

The major street network in the area has been established and is consistent with the Salem Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this partition.

The subdivision is served with other adequate transportation infrastructure, and the street system adjacent the 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 subject property once the access ways are hard-surfaced and physically connected to the public street system.

**(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 subdivision is served with adequate transportation infrastructure and the street system adjacent the property conforms to the Transportation System Plan and provides for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property on to the public street system.

Mass Transit: The nearest transit service near the site is provided via Route 1 (S. Commercial), on Commercial Street to the east of the site.

Therefore, via paved streets and sidewalks, safe and convenient bicycle and pedestrian access will be provided to the site and to adjacent neighborhoods. Therefore, this criteria has been met.

**(7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.**

Findings: The proposal is for a 4-lot subdivision. The subdivision is not large enough to trigger the need for a Traffic Impact Analysis (TIA). The proposed subdivision plan mitigates impacts to transportation system by providing adequate access and circulation for all 4-lots. Therefore, this criterion has been met.

**(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.**

Findings: All lots are in compliance with the UDC/SRC. However, no variances have been requested.

**(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.**

Findings: The subdivision code requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The subdivision plan takes into consideration the topography and vegetation of the site. There are a total of 13 trees located on the subject property. There are no trees proposed for removal.

The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. The subdivision code regulates minimum lot sizes. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

The layout of the lots takes into consideration the topography and vegetation of the site. All lots and streets are in compliance with the UDC. Therefore, this criteria has been met.

**(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.**

Findings: The property is inside the Urban Services Area (USA), therefore, subdividing the property doesn't require a UGA Preliminary Declaration.

The Public Works Department is responsible for reviewing the proposal to determine the public facility construction and other requirements necessary to serve the development and provide for future development of any adjoining properties. The City's adopted facility plans and construction requirements are the basis for the provision of facilities and any conditions of approval imposed on the development to meet service requirements.

City of Salem water and sewer service is available to the proposed parcels. The improvement of the access ways will facilitate vehicle and pedestrian access to the public street system. The Salem-Keizer School District and the Salem-Keizer Transit District serve the site.

**Tree Conservation Plan:**

The subdivision plan takes into consideration the topography and vegetation of the site. There are a total of 13 trees located on the subject property. There are no trees located within the boundaries of the subject property that are proposed to be removed. Therefore, preserving 100% of the trees on the site.

Waln Creek runs through western portion of Lot 4 and the northeastern portion of Lots 1-3 of the subject property. The riparian corridor has been identified on the site plans and all trees within the riparian corridor will be preserved.

There are no Oregon White Oaks located throughout the site. All trees on the site are identified as Fir trees, cherry trees, Poplar trees, Elm trees, Alder trees, Ash trees, Maple trees, Cotton trees, Birch trees, and Walnut trees. There are no significant or heritage trees located on the site.

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# **Wain Creek Crossing** **Conditional Use**

August 29, 2022

## **SITE HISTORY:**

August 29, 2019- Partition 19-11 was approved. The subject property is Parcel 3 of Partition 19-11.

October 22, 2020- CU-SPR-DAP-DR20-06 was approved for Lot 5 of the proposed subdivision.

May 18, 2021- The applicant notified the South Gateway Neighborhood Association to inform them of the proposed 5 lot subdivision.

July 11, 2022-The applicant notified the South Gateway Neighborhood Association to inform them of the proposed subdivision.

## **PROPOSAL:**

Under SRC 551.005(a)-Table 551-1, single-family dwellings are allowed within the IC zone with a Conditional Use permit.

The subject property is about 1.71 acres in size and zoned RA (Residential Agriculture) and IC (Industrial Commercial). The subject property is Parcel 3 of Partition 19-11.

The applicant is proposing to divide the subject property into 4 lots:

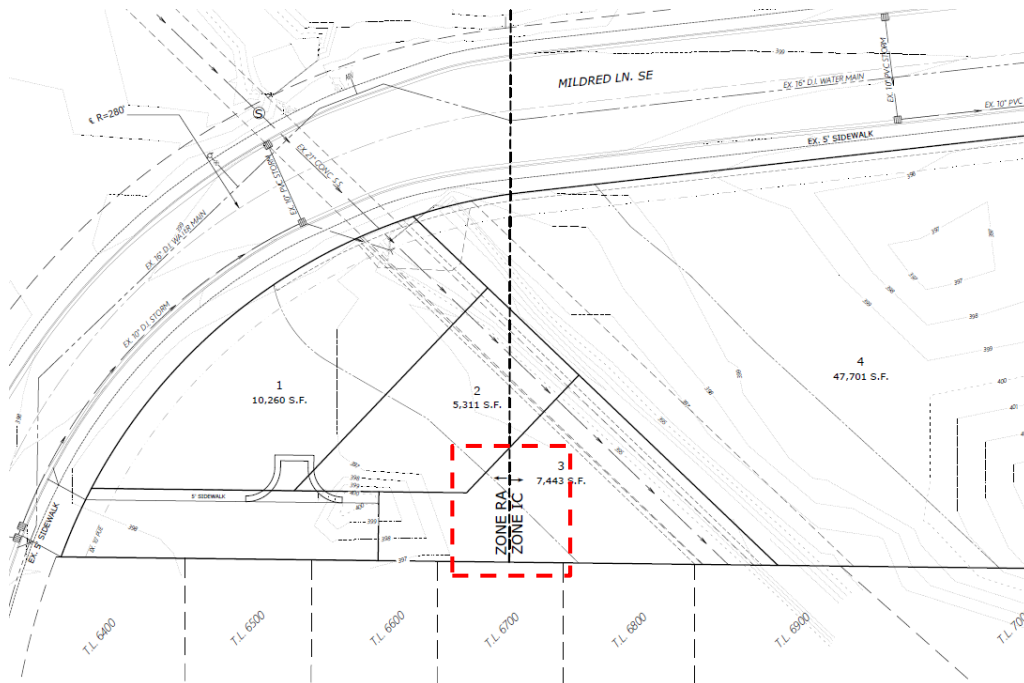
Lot 1: 10,260sq.ft./RA zoned

Lot 2: 5,311sq.ft./RA zoned, and IC zoned

Lot 3: 7,443sq.ft./RA zoned, and IC zoned

Lot 4: 47,701sq.ft./RA zoned, and IC zoned (CU-SPR-DAP-DR20-06 Approval)

The eastern portion of Lot 4 is zoned IC, therefore a Conditional Use is required in order to build a single-family dwelling on Lot 4.



**CONDITIONAL USE CRITERIA:**

**SRC 240.005(d)** - An application for a Conditional Use Permit shall be granted if all of the following criteria are met:

- (1) The proposed use is allowed as a conditional use in the zone;*
- (2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and*
- (3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.*

**APPLICANT’S REASONS ADDRESSING CHAPTER 240.005(d):**

- (1) Under SRC 551.005(a)-Table 551-1, single-family dwellings are allowed within the IC zone with a Conditional Use permit.
- (2) The proposed single family lots will have little to no impact on the neighborhood. Lot 4 has approval (CU-SPR-DAP-DR20-06) for apartments and south of the site is developed as single-family dwellings.

By establishing a use that is consistent with the housing needs and by providing a compatible use, the proposed benefits the public.

The residential development will be consistent with the neighborhoods, while providing needed housing.

Any impacts the development has on the neighborhood can be mitigated through Conditions of Approval.

Therefore, the proposed development will be consistent with the surrounding residential development, health and education uses.

- (3) The residential development will be consistent with the neighborhoods, while providing needed housing in the area.

The proposed single-family dwelling will have less an impact on the area than an industrial use that is allowed within the IC zone.

The single-family lots are required to go through the subdivision process, which requires minimum and maximum lot dimensions. Subdivision Conditions of Approval will help reduce impacts on the neighborhood.

Therefore, this criteria will be complied with through the Site Plan/Design Review process.

# Woodside Subdivision

## Adjustment Class-2 Application

### Proposal:

The subject property is about 1.71 acres in size and zoned RA (Residential Agriculture) and IC (Industrial Commercial). The subject property is Parcel 3 of Partition 19-11.

The applicant is proposing to divide the subject property into 4 lots:

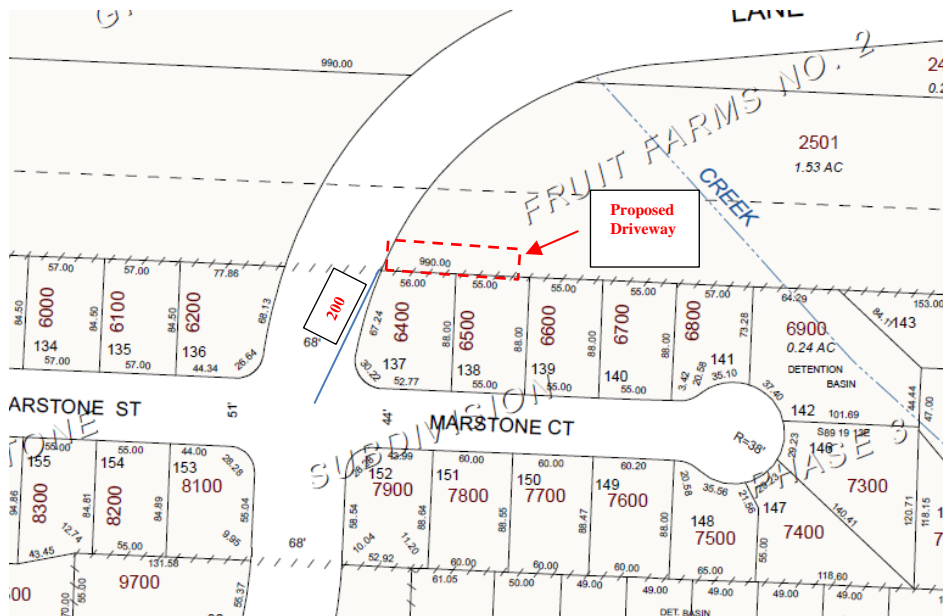
Lot 1: 10,260sq.ft./RA zoned

Lot 2: 5,311sq.ft./RA zoned, and IC zoned

Lot 3: 7,443sq.ft./RA zoned, and IC zoned

Lot 4: 47,701sq.ft./RA zoned, and IC zoned (CU-SPR-DAP-DR20-06 Approval)

The applicant is proposing a driveway that is located closing than 370 feet from the Marstone Street/Court intersection to the south. Therefore, an adjustment to this standard is required.



The applicant is requesting an adjustment greater than 20% adjustment to SRC 804.035(d):

***(d) Spacing. Driveway approaches providing direct access to a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.***

### Adjustment Criteria-SRC 250.005(d)(2) Criteria

***(A) The purpose underlying the specific development standard proposed for adjustment is:***  
***(i) Clearly inapplicable to the proposed development; or***

***(ii) Equally or better met by the proposed development.***

***(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

***(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.***

Applicant Findings:

- (A) One two-way 30-foot access easement (driveway) is proposed onto Mildred Lane from the development site. The proposed driveway appears to be located approximately 200 feet from the Mildred Lane and Marstone Street intersection. Due to the size and location of the subject property, locating the driveway further away from the intersection is not feasible or safe. Relocating the driveway would require the elimination of lots and would provide an unsafe visual situation near the curve of Mildred Lane. Therefore, this standard is clearly inapplicable to the proposed development. After review of the site and layout, it was determined that the most feasible driveway location is as shown on the site plan, and is clearly better met by the proposed. Therefore, the applicant is requesting an Adjustment to this requirement.
- (B) The subject property is located within a residential zone. The subject property is zoned RA, with a small portion of Lots 2 and 3 being zoned IC and Lot 4 being zoned IC with a small portion being zoned RA. The location of the driveway as shown on the site plan will not have an impact on residential uses or any of the other uses in the area. The location will provide a safe and convenient one-way entrance and exit out of the development. The location does not create any vision or traffic hazards onto Mildred Lane as shown on the site plans. Therefore, the driveway location will have no effect on the proposed use or surrounding uses.
- (C) The applicant is requesting more than one adjustment. The requested adjustment will not have any effect on the overall purpose of the zone. The site will be developed to Code and designed to City standards. Therefore, the purpose of the zone will be met.





MEMO

**TO:** Bryce Bishop, Planner III  
Community Development Department

**FROM:** Laurel Christian, Development Services Planner II  
Public Works Department

**DATE:** December 6, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
CU-SUB-ADJ-DAP22-05  
(22-111298; 22-111309; 22-111312; 22-111515)  
1300 BLOCK MILDRED LANE SE  
4-LOT SUBDIVISION**

**PROPOSAL**

A consolidated application for a proposed four-lot subdivision with associated site improvements. The application includes:

1. A Subdivision Tentative Plan to divide the approximate 1.71-acre property into four lots ranging in size from approximately 5,311 square feet to 47,701 square feet;
2. A Conditional Use Permit to allow two of the lots in the subdivision (Lots 2 and 3) that are partially zoned IC (Industrial Commercial) to be developed with single-family dwellings;
3. A Class 2 Adjustment to:
  - a. Increase the number of flag lots allowed within the subdivision from a maximum of one to two (SRC 800.025(e));
  - b. Designate the south property line of Lot 1 abutting the flag lot accessway as the front lot line rather than the property line abutting Mildred Lane SE (SRC 800.020(a)(1));
  - c. Allow single-family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4)); and
  - d. Reduce the minimum required 370-foot driveway spacing between Marstone Court SE and the proposed flag lot accessway serving Lots 1, 2, and 3 (SRC 804.035(d)); and

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).

4. A Class 2 Driveway Approach permit for the proposed flag lot accessway onto Mildred Lane SE.

The subject property is zoned RA (Residential Agriculture) and IC (Industrial Commercial), approximately 1.71 acres in size, and located in the 1300 Block of Mildred Lane SE (Marion County Assessor Map and Tax Lot Number: 083W14CB02401).

**RECOMMENDED CONDITIONS APPROVAL**

1. The following conditions of approval shall be completed prior to final plat approval or shown on the final plat:
  - a. Along Wain Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
  - b. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
  - c. Dedicate a minimum 20-foot public access easement for a Parks Master Plan Trail in an alignment approved by the Director.
  - d. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
  - e. Dedicate a vision clearance easement area as shown on the Site Access Analysis submitted with the application and dated October 20, 2022. No structures, fences, or vegetation over 30 inches tall shall be allowed within the vision clearance area.
2. The following conditions of approval shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B):
  - a. Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
  - b. Provide a turn-around off the flag lot accessway to ensure forward in/forward out movement onto Mildred Lane SE.

## **FACTS AND FINDINGS**

### **Streets**

1. Mildred Lane SE
  - a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
  - b. Existing Condition—This street has an approximate 34-to-46-foot improvement within a 72-foot-wide right-of-way abutting the subject property.
2. Woodside Drive SE
  - a. 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.
  - b. Existing Condition—This street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

### **Water**

1. Existing Conditions
  - a. The subject property is located within the S-2 water service level.
  - b. A 16-inch water main is located in Mildred Lane SE.
  - c. A 10-inch water main is located in Woodside Drive SE.

### **Sanitary Sewer**

1. Existing Conditions
  - a. An 8-inch sewer main is located in Woodside Drive SE.
  - b. A 21-inch sewer main is located on the subject property within an easement.

### **Storm Drainage**

1. Existing Conditions
  - a. A 10-inch storm main is located in Mildred Lane SE.
  - b. A 24-inch storm main is located in Woodside Drive SE.

## Parks

The proposed development is served by Wiltsey Road Park, approximately 0.40 miles south of the subject property.

## **CRITERIA AND FINDINGS - SUBDIVISION**

The following Code references indicate 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:**

- 1. 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;**
- 2. City infrastructure standards; and**
- 3. 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 subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision 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), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that Waln Creek was not analyzed in conjunction with the adopted Flood Insurance Study for the Battle Creek Basin. However, the City has prepared Interim Flood Hazard Area maps and base flood elevations that are proposed to be adopted in 2023. Future development permits will require new structures to be constructed to a minimum of one foot above the proposed base flood elevations to limit flood damage pursuant to SRC 601.110(a)(2).

A 10-foot-wide public utility easement was dedicated along the street frontages as part of PAR19-11. The PUE is shown on the tentative plan.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are 2-point hazards within the Waln Creek Basin. No development can occur within this area; no additional information is required.

A portion of the Waln Creek runs through the subject property. Pursuant to PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

**Condition:** Along Waln Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

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

**Findings**—The subject property is located inside the Urban Service Area and adequate facilities are available. Water, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's tentative plan.

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 submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

**Condition:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

**Condition:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Private water, sewer, and storm services shall be constructed to serve each lot. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). 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)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**Condition:** All necessary (existing and proposed) access and utility easements must be shown and recorded 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.**

**Findings**—Mildred Lane SE abuts the subject property and does not meet the current improvement standard for a minor arterial street but has adequate right-of-way width. Mildred Lane SE was constructed by the City to its current standard and is considered a complete street; no additional improvements are required. Right-of-way dedication and improvements to Woodside Drive SE were required as a condition of approval for PAR19-11. There is an adequate half-width right-of-way and improvement width for Woodside Drive SE abutting the subject property.

**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 subject property is served by Wiltsey Road Park, which is a park site located south, and within a half-mile of, the subject property. Access to the park is available through the existing transportation system.

The *Salem Comprehensive Park System Master Plan* includes a proposed trail through the subject property along Waln Creek. Pursuant to SRC 800.065(a)(4), a public access easement shall be dedicated or provided for future construction of the trail as a condition of the proposed land division. A minimum 20-foot public access easement is required in an alignment approved by the Public Works Director. The alignment may be over existing easements for public utilities on the site, along the creek.

**Condition:** Dedicate a minimum 20-foot public access easement for a Parks Master Plan Trail in an alignment approved by the Director.

**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 4-lot subdivision generates less than 1,000 average daily vehicle trips to the minor arterial street system. Therefore, a TIA is not required as part of the proposed subdivision submittal.

### **CRITERIA AND FINDINGS – DRIVEWAY APPROACH PERMIT**

The proposed subdivision will create four lots. One lot will have frontage on Mildred Lane SE and Woodside Drive SE; this lot is currently under construction with a multi-family development. The remaining three lots are proposed to share a flag lot accessway onto Mildred Lane SE. The driveway approach for the proposed flag lot accessway requires a Class 2 Driveway Approach Permit.

**Criteria**—A Class 2 Driveway Approach Permit shall be granted if:

**(1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;**

**Finding**—The applicant requests two adjustments to SRC Chapter 804:

- a. Allow single-family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4)); and
- b. Reduce the minimum required 370-foot driveway spacing between Marstone Court SE and the proposed flag lot accessway serving Lots 1, 2, and 3 (SRC 804.035(d)).

Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS. Findings for the requested adjustments are provided below.

**(2) No site conditions prevent placing the driveway approach in the required location;**

**Finding**—There are no site conditions prohibiting the location of the proposed driveway.

**(3) The number of driveway approaches onto an arterial are minimized;**

**Finding**—One access is proposed to the arterial street.

**(4) The proposed driveway approach, where possible:**

- i. **Is shared with an adjacent property; or**
- ii. **Takes access from the lowest classification of street abutting the property;**

**Finding**—The proposed driveway accesses an arterial street and is shared between three lots. The subject property is split by Waln Creek. A shared driveway approach between all four lots created by the proposed subdivision is not feasible due to the creek.

**(5) Proposed driveway approach meets vision clearance standards;**

**Finding**—The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

**(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;**

**Findings**—No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that with recommended conditions, it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

As part of the application package, the applicant submitted a Sight Distance Analysis to ensure safe access is provided onto the arterial street. The Assistant City Traffic Engineer has reviewed the proposed Sight Distance Analysis and agrees with the findings and recommends vegetation and structures be restricted within the required site lines, as shown on the applicants Site Access Analysis dated October 20, 2022.

Pursuant to SRC 804.035(c)(5), only forward in/forward out access shall be allowed onto an arterial street. The applicants tentative plan shows a hammerhead turnaround to accommodate forward in/forward out movements from the proposed accessway to Mildred Lane SE. Staff recommends making the turnaround a condition of approval to ensure forward in/forward out movements are provided.

**Condition:** Dedicate a vision clearance easement area as shown on the Site Access Analysis submitted with the application and dated October 20, 2022. No structures, fences, or vegetation over 30 inches tall shall be allowed within the vision clearance area.

**Condition:** Provide a turn-around off the flag lot accessway to ensure forward in/forward out movement onto Mildred Lane SE.

**(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;**

**Finding**—Staff analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.



**(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and**

**Finding**—The proposed driveway approach is located on a minor arterial street and minimizes the impact to adjacent streets and intersections by providing adequate sight distance and being shared by multiple parcels.

**(9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.**

**Finding**—The proposed development is surrounded by residentially zoned property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

**CRITERIA AND FINDINGS - ADJUSTMENT**

Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(2) is as follows:

**Criteria**—The purpose underlying the specific development standard proposed for adjustment is:

- 1. Clearly inapplicable to the proposed development; or**
- 2. Equally or better met by the proposed development.**

**Finding**— The applicant requests two adjustments to SRC Chapter 804:

- a. Allow single-family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4));*

The subject property has frontage on Mildred Lane SE (minor arterial street classification) and Woodside Drive SE (local street classification). The proposed subdivision will create one lot on the east side of Waln Creek and three lots on the west side of Waln Creek. The three lots proposed on the west side of Waln Creek will share one accessway to Mildred Lane SE. Access to Woodside Drive SE for the lots on the west side of Waln Creek is not practical due to the proximity to the creek.

The intent of this code is to restrict multiple new driveways onto arterial streets for lots created through a subdivision. Arterial streets are intended to accommodate high volumes of traffic and restricting individual access points limits conflicts with vehicles entering the roadway. The intent of the code is equally met as one access point onto the arterial street is provided for three lots. Additionally, with recommended conditions for sight distance and forward

in/forward out movements, conflicts with vehicular traffic on the arterial street are minimized.

- b. Reduce the minimum required 370-foot driveway spacing between Marstone Court SE and the proposed flag lot accessway serving Lots 1, 2, and 3 (SRC 804.035(d));*

The development is proposing one new driveway onto Mildred Lane SE. The proposed driveway is on the inside of the curve of the street, which limits sight distance in both directions. As part of the application package, the applicant submitted a Sight Access Analysis that demonstrates the proposed location of the driveway provides the most optimal sight distance along the frontage of the property. With recommended conditions described in the preceding analysis, the proposed driveway configuration meets the adjustment criteria by allowing for movements and traffic safety equal to what would be accomplished by meeting the development standard.

Prepared by: Laurel Christian, Development Services Planner II  
cc: File

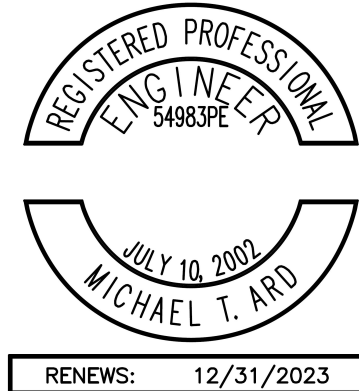


21370 SW Langer Farms Pkwy  
Suite 142, Sherwood, OR 97140

October 20, 2022

Mark Grenz  
Multi/Tech Engineering Services  
1155 13<sup>th</sup> Street SE  
Salem, OR 97302

*RE: J & J Estates – Site Access Analysis*



Dear Mr. Grenz,

This letter is written to provide information regarding safety and operations for the proposed driveway that will serve J & J Estates on Mildred Lane SE between Marstone Court SE and Woodside Drive SE. A property located on the southeast side of Mildred Lane SE is proposed for development with a three-lot residential subdivision, with shared access to the three lots at a single driveway on the Mildred Lane SE frontage. Since the site does not have frontage on any other streets it is necessary to take access from this roadway.

### **Area Description**

Mildred Lane SE is classified by the City of Salem as an Arterial roadway. It has a two-lane cross-section, with one travel lane in each direction and bike lanes on both sides of the roadway. Existing sidewalks are also in place along both sides of the roadway, and street illumination is provided. The posted speed limit on Mildred Lane SE is 25 mph in the site vicinity. The horizontal curve in the roadway along the site frontage has a centerline radius of approximately 280 feet, which also corresponds to a design speed of approximately 25 mph. However, it should be noted that City of Salem design standards require a minimum design speed of 45 mph for Arterial roadways.

### **Sight Distance Measurements**

The subject property is located on the inside of a horizontal curve which limits sight lines in both directions. Since vehicles approaching from the south do so in the nearest motor vehicle travel lane, sight lines to the south are more limited by the horizontal curve than those to the northeast. Accordingly, the site access was moved to the south end of the subject property where optimal sight lines to the south can be achieved.

Based on field measurements, a driveway located at the south end of the subject property was determined to have 480 feet of intersection sight distance to the south, as measured from a position 14.5 feet behind the edge of the traveled way 3.5 feet above the driveway centerline to an oncoming driver's eye position 3.5



feet above the oncoming (northbound) travel lane. Intersection sight distance to the northeast was measured to be 368 feet from this location.

The minimum required intersection sight distance for a design speed of 45 mph is 500 feet in each direction. Accordingly, the proposed site plan is not projected to meet the full intersection sight distance standard for the city's design speed of 45 mph.

### **Design Speed**

According to *A Policy on Geometric Design of Highways and Streets, 7<sup>th</sup> Edition*, published by the American Association of State Highway and Transportation Officials, the design speed used for evaluation of sight distance should be based on the posted speed limit, the statutory speed limit, or the 85<sup>th</sup> percentile speed of traffic. For this roadway, the posted speed limit is 25 mph and the design speed of the horizontal curve on which the site will take access is also approximately 25 mph. Although selection of a design speed of 45 mph will result in a conservative analysis, it is unlikely given the existing roadway environment and horizontal curvature that vehicles are actually travelling at that design speed. However, vehicles often travel at speeds in excess of posted speed limits, and also commonly travel at speeds in excess of the design speed for a horizontal curve. Additionally, the limits of sight distance extend past the horizontal curve in the roadway, allowing higher approach speeds from both directions. Accordingly, an accurate assessment of the safety and operations for a new driveway should properly be based on speed data collected at the limits of sight distance in each direction.

Speed data was collected using a radar speed gun for westbound traffic at the limits of sight distance to the northeast and for northbound traffic at the limits of sight distance to the south. The measured 85<sup>th</sup> percentile speeds were 32 mph for westbound traffic and 33 mph for northbound traffic. Worksheets showing the actual observed travel speeds, average travel speeds, and 85<sup>th</sup> percentile speeds are included in the attached technical appendix.

### **Required Sight Lines**

The minimum required intersection sight distance is calculated based on a desired gap time of 7.5 seconds at the 85<sup>th</sup> percentile design speed. For the measured speed of 32 mph for westbound traffic, the minimum intersection sight distance required to avoid interruptions to the flow of through traffic was calculated to be 355 feet. The minimum required stopping sight distance for safety at this design speed was calculated to be 220 feet. Since the actual sight distance measurement of 368 feet is in excess of these minimums, the proposed access will have adequate sight distance to the northeast for safe and efficient access at the proposed driveway location.



For the measured speed of 33 mph for northbound traffic, the minimum intersection sight distance required to avoid interruptions to the flow of through traffic was calculated to be 365 feet. The minimum required stopping sight distance for safety at this design speed was calculated to be 230 feet. Since the actual sight distance measurement of 480 feet is in excess of these minimums, the proposed access will also have adequate sight distance to the south for safe and efficient access at the proposed driveway location.

### **Clear Sight Triangles**

Although the measured sight lines are currently available, the required sight line to the northeast extends across the frontage of the subject property. Accordingly, it will be necessary to restrict vegetation and construction within the affected area of the site frontage to ensure that adequate sight lines are maintained following development of the subject property. A diagram showing the affected portion of the property is provided in the attached technical appendix. Any vegetation or structures within this area should be restricted to a height no greater than 40 inches above the roadway elevation to ensure that the view of oncoming vehicles is not occluded in the future. Trees and utility poles may be permitted within the clear sight triangle provided that their diameters are insufficient to fully obstruct the view of oncoming traffic from the driver's eye position within the driveway, and provided that low branches are trimmed and maintained to provide clear sight lines to at least 8 feet above the elevation of the sidewalk along the site frontage.

### **Conclusions**

Based on the analysis, adequate sight lines can be achieved for the proposed driveway that will serve the 3-lot J & J Estates residential development. The driveway should be located at the south end of the subject property to maximize sight lines, and vegetation and structures should be restricted within the required sight lines to ensure safe and efficient operation.

If you have any questions regarding this analysis or if you need any further assistance, please feel free to contact me at any time.

Sincerely,

Michael Ard, PE  
Principal Engineer

## Appendix

## Speed Study Summary - Radar Data



Location: On Mildred Lane SE, 350' NE of Marstone Court  
 Direction: Westbound  
 Date: 9/25/2022  
 Time: 3:30 PM  
 Weather: Clear/Dry  
 Notes: None

**85th Percentile Speed: 32 mph**  
 Average Speed: 29 mph

### Recorded Speeds:\*

1 mph ----- 0	26 mph ----- 6	51 mph ----- 0
2 mph ----- 0	27 mph ----- 13	52 mph ----- 0
3 mph ----- 0	28 mph ----- 12	53 mph ----- 0
4 mph ----- 0	29 mph ----- 13	54 mph ----- 0
5 mph ----- 0	30 mph ----- 7	55 mph ----- 0
6 mph ----- 0	31 mph ----- 8	56 mph ----- 0
7 mph ----- 0	32 mph ----- 7	57 mph ----- 0
8 mph ----- 0	33 mph ----- 4	58 mph ----- 0
9 mph ----- 0	34 mph ----- 2	59 mph ----- 0
10 mph ----- 0	35 mph ----- 3	60 mph ----- 0
11 mph ----- 0	36 mph ----- 2	61 mph ----- 0
12 mph ----- 0	37 mph ----- 2	62 mph ----- 0
13 mph ----- 0	38 mph ----- 1	63 mph ----- 0
14 mph ----- 0	39 mph ----- 0	64 mph ----- 0
15 mph ----- 0	40 mph ----- 0	65 mph ----- 0
16 mph ----- 0	41 mph ----- 0	66 mph ----- 0
17 mph ----- 0	42 mph ----- 0	67 mph ----- 0
18 mph ----- 0	43 mph ----- 0	68 mph ----- 0
19 mph ----- 0	44 mph ----- 0	69 mph ----- 0
20 mph ----- 0	45 mph ----- 0	70 mph ----- 0
21 mph ----- 0	46 mph ----- 0	71 mph ----- 0
22 mph ----- 2	47 mph ----- 0	72 mph ----- 0
23 mph ----- 2	48 mph ----- 0	73 mph ----- 0
24 mph ----- 9	49 mph ----- 0	74 mph ----- 0
25 mph ----- 7	50 mph ----- 0	75+ mph ----- 0

\* Speed data observations include free-flowing traffic only (i.e. no following vehicles)

## Speed Study Summary - Radar Data



Location: On Mildred Lane SE, 50' N of Rhinestone Court  
Direction: Northbound  
Date: 9/25/2022  
Time: 3:30 PM  
Weather: Clear/Dry  
Notes: None

**85th Percentile Speed:** 33 mph  
Average Speed: 30 mph

### Recorded Speeds:\*

1 mph ----- 0	26 mph ----- 4	51 mph ----- 0
2 mph ----- 0	27 mph ----- 9	52 mph ----- 0
3 mph ----- 0	28 mph ----- 17	53 mph ----- 0
4 mph ----- 0	29 mph ----- 7	54 mph ----- 0
5 mph ----- 0	30 mph ----- 15	55 mph ----- 0
6 mph ----- 0	31 mph ----- 12	56 mph ----- 0
7 mph ----- 0	32 mph ----- 8	57 mph ----- 0
8 mph ----- 0	33 mph ----- 8	58 mph ----- 0
9 mph ----- 0	34 mph ----- 3	59 mph ----- 0
10 mph ----- 0	35 mph ----- 3	60 mph ----- 0
11 mph ----- 0	36 mph ----- 3	61 mph ----- 0
12 mph ----- 0	37 mph ----- 3	62 mph ----- 0
13 mph ----- 0	38 mph ----- 1	63 mph ----- 0
14 mph ----- 0	39 mph ----- 0	64 mph ----- 0
15 mph ----- 0	40 mph ----- 0	65 mph ----- 0
16 mph ----- 0	41 mph ----- 0	66 mph ----- 0
17 mph ----- 0	42 mph ----- 0	67 mph ----- 0
18 mph ----- 0	43 mph ----- 0	68 mph ----- 0
19 mph ----- 0	44 mph ----- 0	69 mph ----- 0
20 mph ----- 0	45 mph ----- 0	70 mph ----- 0
21 mph ----- 1	46 mph ----- 0	71 mph ----- 0
22 mph ----- 0	47 mph ----- 0	72 mph ----- 0
23 mph ----- 0	48 mph ----- 0	73 mph ----- 0
24 mph ----- 1	49 mph ----- 0	74 mph ----- 0
25 mph ----- 5	50 mph ----- 0	75+ mph ----- 0

\* Speed data observations include free-flowing traffic only (i.e. no following vehicles)



