

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 ADJUSTMENT CASE NO.: ADJ24-09

APPLICATION NO.: 24-123220-PLN

NOTICE OF DECISION DATE: January 6, 2025

REQUEST: A Class 2 Adjustment to reduce the minimum 20-foot driveway depth to 15.7 feet for a newly constructed single-family dwelling due to the narrow and steep configuration of the lot. The subject property is 0.19-acres in size, zoned RS (Single Family Residential) and located at 815 Cascade Drive NW (Polk County Assessor's Map and Tax Lot Number 073W21CA / 6700).

APPLICANT: Brandie Dalton, Multi/Tech Engineering

LOCATION: 815 Cascade Dr NW, Salem OR 97304

CRITERIA: Salem Revised Code (SRC) Chapter 250.005(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated January 6, 2025

DECISION: The **Planning Administrator APPROVED** Class 2 Adjustment Case No. ADJ24-09 subject to the following conditions of approval:

Condition 1: If the street is widened and the existing driveway approach closed, the applicant shall be required to either obtain a new driveway approach permit and approval of a new zoning adjustment to the reduced driveway depth, or the garages shall be closed to vehicular access.

The rights granted by the attached decision must be exercised, or an extension granted, by January 22, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>December 11, 2024</u>
Notice of Decision Mailing Date:	<u>January 6, 2025</u>
Decision Effective Date:	<u>January 22, 2025</u>
State Mandate Date:	<u>April 10, 2025</u>

Case Manager: Peter Domine, pdomine@cityofsalem.net, 503-540-2311

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Tuesday, January 21, 2025. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer

will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
CLASS 2 ADJUSTMENT)	
CASE NO. ADJ24-09)	
815 CASCADE DRIVE NW)	JANUARY 6, 2025

In the matter of the application of a Class 2 Adjustment, submitted by Brandie Dalton of Multi/Tech Engineering, on behalf of the property owner, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: An adjustment to reduce the minimum driveway depth for a new dwelling.

Request: A Class 2 Adjustment to reduce the minimum 20-foot driveway depth to 15.7 feet for a newly constructed single-family dwelling due to the narrow and steep configuration of the lot. The subject property is 0.19-acres in size, zoned RS (Single Family Residential) and located at 815 Cascade Drive NW (Polk County Assessor's Map and Tax Lot Number 073W21CA / 6700).

PROCEDURAL FINDINGS

1. Proposal

The applicant is requesting an adjustment to reduce the minimum driveway depth for a new dwelling.

2. Background

In September of 2022, a residential building permit was approved for development of a new single-family dwelling on a vacant lot located at 815 Cascade Drive NW. After construction had commenced, Code Compliance cases were opened to investigate work being done, including significant grading and the construction of a retaining wall. After completion, inspections found the building had been constructed with a driveway depth of 15.7 feet from the property line, where a minimum driveway depth of 20 feet is required.

As the finished building was not in compliance with the development code, on November 13, 2024, the applicant's representative submitted an application for a Class 2 Adjustment to reduce the minimum required driveway depth. On December 11, 2024, the application was deemed complete. The 120-day state mandated decision deadline for this application is April 10, 2025.

A vicinity map of the property is included as **Attachment A**, and the applicant's site plan is included as **Attachment B**. The applicant's written statement can be found in the record, as indicated below.

SUBSTANTIVE FINDINGS

3. 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, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 123220.

4. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the West Salem Neighborhood Association

Applicant Neighborhood Association Contact: Neighborhood Association Contact is not required for this application.

Neighborhood Association Comment: Notice was provided, pursuant to SRC 300.520(b)(1)(B)(v) to the neighborhood association. As of the date of this decision, no comments were received from the Neighborhood Association.

Homeowner's Association: The subject property is not located within a Homeowner's Association.

Public Comment: Notice was provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of this decision, one comment was received with the following concerns.

The comment indicated general opposition to the reduced driveway depth because of the slope and curve of the street, which limits visibility.

Staff Response: The requested reduction of the minimum 20-foot driveway depth is measured from the front of the garage to the front property line abutting the street. The City Traffic Engineer has reviewed the proposal and indicated no concerns based on the driveway as there is approximately eight feet of additional paving from the edge of the driveway at the property line to where it enters the paved street, providing nearly 24 feet of paved depth to the front of the garage. Cascade Drive NW is an under-improved street with an approximately 20-foot paved improvement width. Many of the existing driveway approaches of properties fronting Cascade Drive extend into the unimproved right-of-way, providing additional maneuvering room before entering the paved travel lanes of the street. While these driveways are generally nonconforming, they have been developed this way for several decades. Additionally, a 20-foot-deep driveway from the front property line would likely pose further challenges to developing the site, requiring additional grading to the abutting properties in the rear of the lot in order to place the building deeper into the property.

The comment also indicated concern regarding the filling of a drainage ditch along the street.

Staff Response: The road section adjacent to the culvert extension primarily slopes away from the drainage ditch, indicating that the function of the filled section of ditch was primarily conveyance of stormwater and not collection. It was determined that the culvert extension west of the driveway could be permitted, and an additional permit for the culvert extension has been applied for. The culvert extension west of the permitted driveway approach was found to have been installed correctly and with the correct materials. A field inspection of the culvert will be required at the time of final inspection for occupancy of the single-family dwelling to verify that it has not settled.

5. City Department Comments

Building and Safety: The Building and Safety Division reviewed the proposal and indicated no concerns.

Salem Fire Department: The Fire Department has reviewed the proposal and indicated no concerns.

Development Services Division: The Development Services division has reviewed the proposal and indicated no concerns.

6. Public Agency Comments

Notice was provided, pursuant to SRC 300.520(b)(1)(B) (viii), (ix) & (x); at the time of this decision, no comments were received from public agencies.

DECISION CRITERIA FINDINGS

7. Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, 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 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 proposal is for a reduction to the minimum 20-foot driveway depth leading to a garage for a newly constructed single-family dwelling on a vacant lot. The applicant's written statement indicates that due to the irregular shape and steep topography of the lot, along with required building setbacks, the buildable area of the lot is constrained and would require significant grading to set the house back far enough to meet the minimum 20-foot driveway

depth. Because of this, the applicant has requested to reduce the driveway depth to 15.7 feet, or a reduction of 21 percent, requiring a Class 2 Adjustment.

The intent of the minimum 20-foot driveway depth is to provide adequate maneuvering space for vehicles to enter and exit a garage before entering the right-of-way. The requirement for a minimum 20-foot driveway depth is also to ensure vehicles parked on the driveway will not project into the right-of-way (i.e., overhang the sidewalks).

The applicant's written statement indicates that the average car length of a sedan is 15.5 feet, which the 15.7-foot driveway can accommodate. Furthermore, there is approximately eight feet of paving within the unimproved right-of-way in front of the property along Cascade Drive NW, which provides additional maneuvering area for cars entering and exiting the garage.

The current standard for minimum driveway depth is measured from the property line abutting the street to the front of a garage. Cascade Drive was developed several decades ago and as such has an under-improved right-of-way where the paved street does not extend to the boundaries of many properties. As such, many driveways do not meet the minimum 20-foot depth and extend into the right-of-way where they meet the pavement of the street. The subject driveway includes an additional paved area of approximately eight feet beyond the property line to where it meets the paved street, providing approximately 24 feet of depth from the garage to the street. The City Traffic Engineer has reviewed the proposal and indicated the reduced driveway depth will provide adequate maneuvering depth and will not obstruct vision clearance.

The majority of the driveway is located within the special setback for future right-of-way improvements to Cascade Drive NW. The property owner has entered into a removal agreement with the City to allow the driveway to encroach into the special setback. If in the event additional right-of-way is obtained and the street widened, any structures within the special setback shall be removed and the driveway approach to the street closed. If the street is widened, a new driveway approach permit to access the street would be required and, as the driveway would then be further reduced and made more nonconforming, approval of a new zoning adjustment would be necessary. If approval of a further reduction to the driveway depth is not granted, the garages would be required to be closed to vehicular access. To ensure future development meets the applicable development standards, the following condition shall apply.

Condition 1: If the street is widened and the existing driveway approach closed, the applicant shall be required to either obtain a new driveway approach permit and approval of a new zoning adjustment to the reduced driveway depth, or the garages shall be closed to vehicular access.

As the driveway provides adequate maneuvering room and most vehicles would not project into the right-of-way if parked on the driveway, and as conditioned, the proposal equally meets the intent of the standard, meeting the criterion.

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 property is located within a residential zone. As described above, many of the properties along Cascade Drive NW were developed prior to current development standards and, due in part to the steep topography and curve of the street, many lots are irregular in shape and do not meet the minimum 20-foot driveway depth before connecting to the paved street. Given the similarities to the existing conditions of the neighborhood, the reduced

driveway depth is compatible with and will not detract from the livability or appearance of the residential area. 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: Only one Class 2 Adjustment has been requested; therefore, this criterion is not applicable.

8. Conclusion

Based upon review of SRC Chapter 250, the applicable standards of the Salem Revised Code, and the findings contained herein, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Class 2 Adjustment, Case No. ADJ24-09 is hereby **APPROVED** subject to SRC Chapter 250, the applicable standards of the Salem Revised Code and conformance with the approved site plan included as **Attachment B**, and the following conditions of approval.

Condition 1: If the street is widened and the existing driveway approach closed, the applicant shall be required to either obtain a new driveway approach permit and approval of a new zoning adjustment to the reduced driveway depth, or the garages shall be closed to vehicular access.



Peter Domine, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP,
Planning Administrator

Attachments: A. Vicinity Map
B. Site Plan

Vicinity Map

815 Cascade Dr NW



Legend

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

- Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

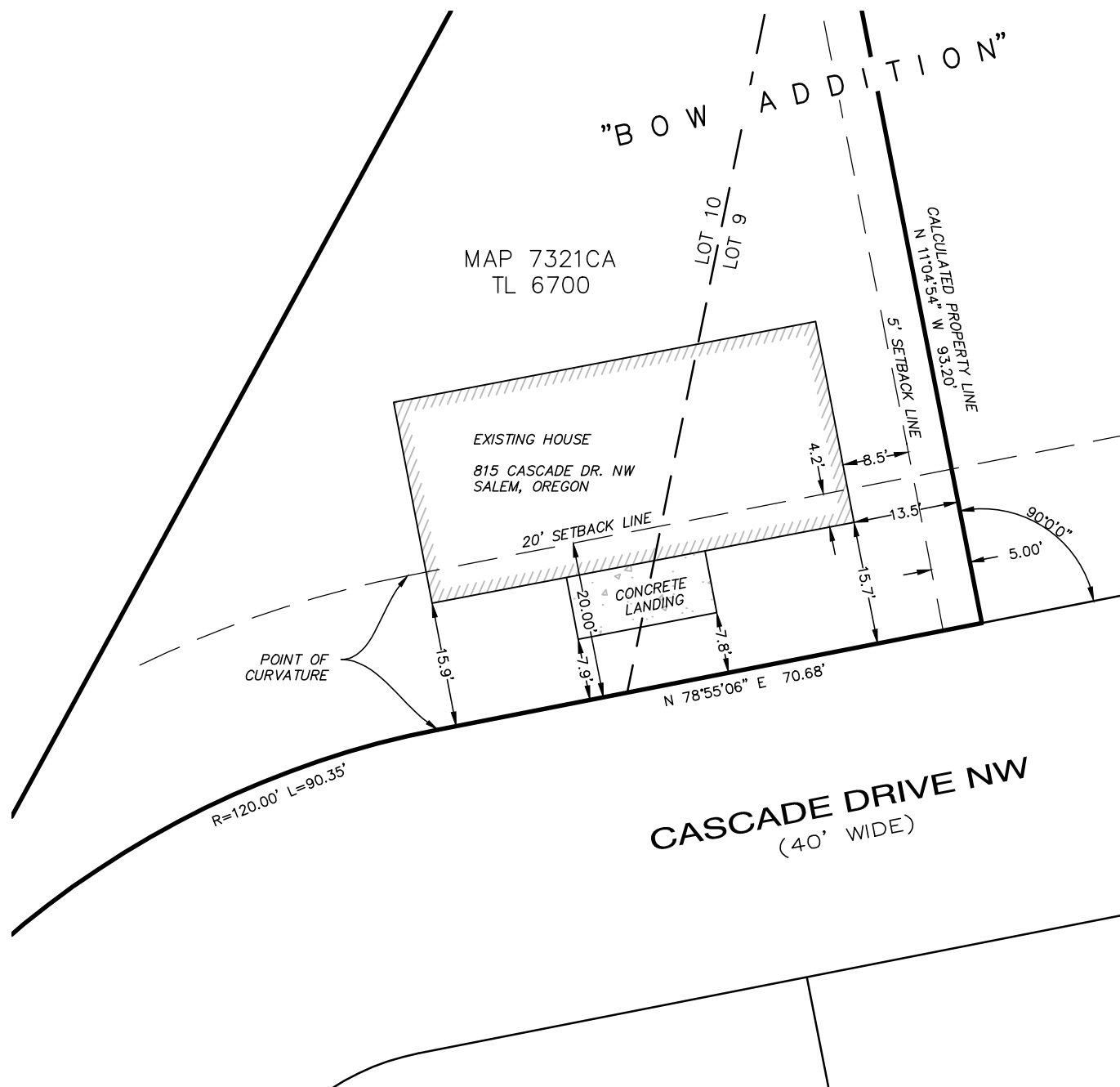
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0 100 200 400 Feet





SURVEY SKETCH
BEING LOT 10, AND PORTIONS LOTS 6 & 9, "BOW ADDITION"
SW 1/4 SEC. 21, T.7S., R.3W., W.M.
POLK COUNTY, OREGON
FOR: CASA DUTCH LLC



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian Leggs

OREGON
SEPTEMBER 10, 2019
BRIAN LEGGS
77667PLS

RENEWS: DEC. 31, 2024

0 10 20
GRAPHIC SCALE
1 INCH = 20 FEET

ANDY PARIS AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
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DRAWN: BL 9/08/2024 | PROJECT: 24308 | DWG: 24308c