

TO: Jamie Donaldson, Planner III
Community Planning and Development Department

FROM: Laurel Christian, Infrastructure Planner III
Community Planning and Development Department



DATE: February 27, 2025

SUBJECT: **Infrastructure Memo**
SPR-ADJ-DAP25-03 (24-121939-PLN)
415 Moyer Lane NW
Mixed-use Development

PROPOSAL

A consolidated application for a Class 3 Site Plan Review, and Class 2 Driveway Approach Permit for a new mixed-use development, consisting of 2,365 square feet of retail commercial space and a total of 32 multi-family units, with two Class 2 Adjustments. The subject properties are 23,950 square feet in total size, zoned WSCB (West Salem Central Business District), and located at 415 Moyer Lane NW (Polk County Assessor Map and Tax Lot Numbers: 073W22CB / 800, 2000, 2001, and 2100).

RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to issuance of a building permit, provide an updated utility plan demonstrating all stormwater will drain to an approved point of discharge as required by SRC 71.075(a).
2. Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
3. Prior to issuance of a Certificate of Occupancy, convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Moyer Lane NW, including a 20-foot property line radius at the intersection of Moyer Lane NW and Bartell Drive NW.
4. Prior to issuance of a Certificate of Occupancy, construct a half-street improvement along the frontage of Moyer Lane NW to local street standards as specified in the City Street Design Standards, and consistent with the provisions of SRC Chapter 803.

5. Prior to issuance of a Certificate of Occupancy, convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Bartell Drive NW, including a 20-foot property line radius at the intersection of Moyer Lane NW and Bartell Drive NW.
6. Prior to issuance of a Certificate of Occupancy, construct property line sidewalks along Moyer Lane NW and Bartell Drive NW at the new property line location after right-of-way dedication. The sidewalk along Moyer Lane NW is permitted to be up to 6.5 feet in width adjacent to the building.
7. Prior to issuance of a Certificate of Occupancy, install street trees to the maximum extent feasible along Moyer Lane NW and Bartell Drive NW.
8. Prior to issuance of any construction permits for the proposed development, the applicant shall obtain a Floodplain Development Permit in accordance with SRC Chapter 601.
9. Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.075, except where Floodproofing has been permitted pursuant to SRC 601.075(c)(3)(A)(ii).
10. Prior to issuance of a Building Permit, the applicant shall provide a Floodproofing Certificate supported by technical data for the non-residential portions of the structure which will be floodproofed per SRC 601.075(c)(3)(A)(iv).

EXISTING CONDITIONS – INFRASTRUCTURE

The existing conditions of streets abutting the subject property are described in the following table:

Streets			
Street Name		Right-of-way Width	Improvement Width
Moyer Lane NW (Local)	Standard:	60-feet	30-feet
	Existing Condition:	45-feet	30-feet
Bartell Drive NW (Local)	Standard:	60-feet	30-feet
	Existing Condition:	45-feet	20-feet

The existing conditions of public infrastructure available to serve the subject property are described in the following table:

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level:

	A 6-inch water main is located in Moyer Lane NW.
	An 8-inch water main is located in Bartell Drive NW
Sanitary Sewer	An 8-inch sanitary sewer main is located in Moyer Lane NW and Bartell Drive NW.
Storm Drainage	A 24-inch storm main is located in Bartell Drive NW.
Parks	The proposed development is served by Wallace Park located approximately 0.30-miles northeast of the subject property.

SITE PLAN REVIEW DECISION CRITERIA

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 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

Finding—As proposed and conditioned in the findings within the memo, the development meets all the applicable standards in the UDC as follows:

SRC Chapter 200 – Urban Growth Management:

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

Finding: The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

SRC Chapter 200.050(d) – Acquisition of property, easements, and right-of-way:

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

Finding: As described in the analysis of SRC Chapter 803 below, right-of-way dedication is required along Moyer Lane NW and Bartell Drive NW. The applicant's existing conditions plan does not identify any existing encumbrances which would conflict with required dedications. Compliance with SRC 200.050(d) will be verified at time of final right-of-way dedication.

SRC Chapter 71 – Stormwater:

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

Finding: The proposed development is subject to the standards in SRC Chapter 71 and the Public Works Design Standards which require the use of green stormwater infrastructure to manage runoff from the development. The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. However, the preliminary stormwater management design shows one of the proposed rain gardens discharging to the curb along Moyer Lane NW, which is not an approved point of discharge. The approved point of discharge for the proposed development is the public storm main in Bartell Drive NW, as no public storm mains exist in Moyer Lane NW. The applicant's written statement in response to the incomplete letter indicates that the applicant's engineers will revise the plans at time of building permit review to ensure all stormwater discharges into an approved point of discharge, as required by SRC 71.075(a). In order to ensure compliance with SRC Chapter 71 and the Public Works Design Standards relating to stormwater management, the following conditions apply:

Condition: Prior to issuance of a building permit, provide an updated utility plan demonstrating all stormwater will drain to an approved point of discharge as required by SRC 71.075(a).

Condition: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

SRC 802 – Public Improvements:

▪ *Development to be served by City utilities:*

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).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

SRC 803 – Street and Right-of-way Improvements

▪ *Boundary Street Improvements*

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition,

SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for certain development.

Finding: The subject property has frontage along Moyer Lane NW and Bartell Drive NW. Pursuant to SRC 803.040(a)(4), Boundary Street Improvements along these frontages are warranted. Requirements for each street are described in the following analysis:

Moyer Lane NW – This street is classified as a local street according to the Salem Transportation System Plan (TSP). Moyer Lane NW has inadequate right-of-way width according to the standards set forth in Table 803-1 (Right-of-way Width), and has inadequate improvement width according to the standards set forth in Table 803-2 (Pavement Width). As a condition of approval, the applicant shall dedicate an adequate half-width right-of-way along Moyer Lane NW, including a 20-foot property line radius at the intersection of Moyer Lane NW and Bartell Drive NW. In addition, the applicant shall construct a half-street improvement along the development frontage to local street standards. In order to comply with SRC 803.040(a)(4), the following conditions apply:

Condition: Prior to issuance of a Certificate of Occupancy, convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Moyer Lane NW, including a 20-foot property line radius at the intersection of Moyer Lane NW and Bartell Drive NW.

Condition: Prior to issuance of a Certificate of Occupancy, construct a half-street improvement along the frontage of Moyer Lane NW to local street standards as specified in the City Street Design Standards, and consistent with the provisions of SRC Chapter 803.

Bartell Drive NW – This street is classified as a local street according to the Salem Transportation System Plan (TSP). Bartell Drive NW has inadequate right-of-way width according to the standards set forth in Table 803-1 (Right-of-way Width); however, it has adequate pavement width according to the standards set forth in Table 803-2 (Pavement Width). As a condition of approval, the applicant shall dedicate an adequate half-width right-of-way along Bartell Drive NW, including a 20-foot property line radius at the intersection of Moyer Lane NW and Bartell Drive NW. In order to comply with SRC 803.040(a)(4), the following condition applies:

Condition: Prior to issuance of a Certificate of Occupancy, convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Bartell Drive NW, including a 20-foot property line radius at the intersection of Moyer Lane NW and Bartell Drive NW.

Required streetscape improvements along both Bartell Drive NW and Moyer Lane NW are described in the following sections.

- **Sidewalks**

Street Standards require that all streets be improved with sidewalks. These standards also require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)) and that sidewalks be five feet in width (SRC 803.035(l)(2)(C)).

Finding: Sidewalks do not currently exist along Moyer Lane NW. Along Bartell Drive NW, the existing sidewalk is located along the curblane; however, the applicant will dedicate additional right-of-way along Bartell Drive NW to establish a landscape planter and property line sidewalk. As shown on the applicant's preliminary plans, the applicant proposes a 5-foot sidewalk located parallel to, and one foot from the adjacent right-of-way along Bartell Drive NW and a portion of Moyer Lane NW. The remainder of the sidewalk along Moyer Lane NW will be 5 to 6.5 feet in width, and extends to the property line where the building is constructed with no setback from the property line. The applicant requests an Alternative Street Standard pursuant to SRC 803.065 to allow the wider sidewalk located with no setback from the property line along Moyer Lane NW. Staff finds this is an acceptable Alternative Street Standard pursuant to SRC 803.065(a)(3), as the zoning of the property requires the building to be located along the property line. Constructing a sidewalk one foot from the property line adjacent to the building would create a one-foot landscape strip which is unusable. As a condition of approval, the applicant shall construct sidewalks along Moyer Lane NW and Bartell Drive NW. The following condition applies:

Condition: Prior to issuance of a Certificate of Occupancy, construct property line sidewalks along Moyer Lane NW and Bartell Drive NW at the new property line location after right-of-way dedication. The sidewalk along Moyer Lane NW is permitted to be up to 6.5 feet in width adjacent to the building.

- **Street Trees**

Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible.

Finding: The applicant is required to construct property line sidewalks along both Moyer Lane NW and Bartell Drive NW, which will establish a landscape planter between the curb and sidewalk along these streets. As a condition of approval, the applicant shall plant street trees along these frontages. The following condition applies:

Condition: Prior to issuance of a Certificate of Occupancy, install street trees to the maximum extent feasible along Moyer Lane NW and Bartell Drive NW.

SRC Chapter 804 – Driveway Approaches:

SRC 804 establishes development standards for driveway approaches providing access

from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: The applicant proposes one new driveway approach onto Moyer Lane NW and has applied for a Class 2 Driveway Approach Permit; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway approach permit, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

SRC Chapter 805 – Vision Clearance:

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Finding: Vision Clearance areas are shown on the applicant's preliminary plans. As shown on the plans, the proposal does not cause a vision clearance obstruction per SRC Chapter 805.

Natural Resources:

SRC 601 – Floodplain: Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: The subject property is designated on the Federal Emergency Management Agency floodplain maps as a Zone "AE" floodplain. The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined the 100-year base flood elevation for the subject development is 141 feet. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. An Elevation Certificate is required to verify the new structure's elevation. The Elevation Certificate shall be submitted to the City to verify the structure's elevation prior to pouring building foundations, and again prior to final occupancy.

The applicant proposes to dry "flood-proof" portions of the building which are non-residential, in lieu of meeting the elevation requirement. Floodproofing is allowed only for non-residential portions of buildings, if the methods meet the requirements established in SRC 601.075(c)(3)(A)(ii). Pursuant to SRC 601.075(c)(3)(A)(iv), a Floodproofing Certificate is required by a professional engineer or architect to demonstrate that the design methods are in accordance the Federal Emergency Management Agency's requirements for floodproofing structures.

In order to ensure compliance with SRC Chapter 601, relating to Floodplain Development, the following conditions apply:

Condition: Prior to issuance of any construction permits for the proposed development, the applicant shall obtain a Floodplain Development Permit in accordance with SRC Chapter 601.

Condition: Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.075, except where Floodproofing has been permitted pursuant to SRC 601.075(c)(3)(A)(ii).

Condition: Prior to issuance of a Building Permit, the applicant shall provide a Floodproofing Certificate supported by technical data for the non-residential portions of the structure which will be floodproofed per SRC 601.075(c)(3)(A)(iv).

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.

Finding: The Salem-Keizer Local Wetland Inventory shows that there are 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), including any work in the public right-of-way. 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.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

Criteria: SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately

Finding— Access to the proposed development will be provided by the network of existing public streets that surround the property. As conditioned, the required improvements will ensure that the street system adjacent to the development will

provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding—The applicant proposes one driveway approach onto Moyer Lane NW, a local street according to the Salem Transportation System Plan. The driveway access onto Moyer Lane NW provides for safe turning movements into and out of the property and modifications are not warranted per SRC Chapter 804 (Driveway Approaches).

Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding— The Development Services division 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 development, subject to the conditions of approval established in this decision. This approval criterion is met.

CLASS 2 DRIVEWAY APPROACH PERMIT DECISION 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, 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 proposed driveway meets the standards for SRC Chapter 804 and Public Works Design Standards (PWDS). This criterion is met.

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

Finding: Development Services has reviewed the proposal and determined that no site conditions existing prohibiting the location of the proposed driveway. This criterion is met.

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

Finding: The proposed driveway approach accesses a local street, Moyer Lane NW. No access onto an arterial street 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 subject property abuts two local streets, Moyer Lane NW and Bartell Drive NW. The proposed driveway is taken with access to the lowest classification of street abutting the property. This criterion is met.

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

Finding: The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805. This criterion is met.

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

Finding: No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, Development Services' analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

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

Finding: Development Services' 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. This criterion is met.

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

Finding: The proposed driveway approach is located on a local street with adequate spacing between the intersection of Moyer Lane NW and Bartell Drive NW. The proposed driveway approach does not impact the functionality of adjacent streets and intersections. This 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 subject property and surrounding area is zoned WSCB (West Salem Central Business District). The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets. This criterion is met.

RESPONSE TO PUBLIC COMMENTS

1. **Traffic and Street Improvements:** Comments received express concerns for the existing condition of Moyer Lane NW and the additional traffic that will be generated onto the street system as part of the development. The comments also express the concerns for existing congestion along Wallace Road NW and limited on-street parking in the vicinity.

Staff Response: Moyer Lane NW is a local street which connects Wallace Road NW, an arterial roadway under Oregon Department of Transportation jurisdiction, and Bartell Drive NW, a local street under City of Salem Jurisdiction. At the intersection of Moyer Lane NW and Wallace Road NW left (southbound) turning movements are restricted. However, from Bartell Drive NW, traffic can access two traffic signals to make a left (southbound) turning movement onto Wallace Road NW. The first signalized intersection is located at the intersection of Taggart Drive NW and Wallace Road NW, south of the site. The second signalized intersection is located north of the site at the intersection of Glen Creek Road NW and Wallace Road NW. These existing signalized intersections are accessible to the site, from Bartell Drive NW, and will provide for safe access to the development site.

As discussed in the “Boundary Streets” section of the decision, Moyer Lane NW is an underimproved local street. As a condition of approval, the applicant is required to construct a half street improvement along the frontage of the development. Off-site improvements along Moyer Lane NW are not required as a condition of approval as there are no standards applicable to the proposal which would require an off-site improvement. Staff finds that Moyer Lane NW, with improvements required as a condition of approval, will provide for safe access to the development site.

Regarding the availability of on-street parking; parking is not required (on-site or off-site) for development. Due to the existing limited width of Moyer Lane NW, on-street parking is not provided along the majority of the street. Along the frontage of the development, Moyer will be widened to meet the required half-width right-of-way which will provide on-street parking on the development site of the street. Bartell Drive NW is posted as “no-parking”. While on-street parking in the vicinity is limited, the development site has access to transit on Wallace Road NW as well as bike and ped facilities in the vicinity.

Prepared by: Laurel Christian, Infrastructure Planner III
cc: File