

J&J Estates

1400 Block of Mildred Lane SE
(083W14CB/Tax Lots 2401 and 2501)

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 5 lots:

Lot 1: 8,734sq.ft. (4,917sq.ft. excluding the access easement)/RA zoned

Lot 2: 5,329sq.ft./RA zoned

Lot 3: 5,462sq.ft./RA zoned

Lot 4: 7,269sq.ft./RA zoned, and IC zoned

Lot 5: 47,886sq.ft./IC zoned (CU-SPR-DAP-DR20-06 Approval)

Applications:

Subdivision

Conditional Use

Driveway Approach Permit

Adjustments:

Section 800.025(e)-Maximum Flag Lots

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

Alternative Street Standards:

Alternative Street Standards to allow a curb line sidewalk

Applicant:

JCT Construction Group

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May 23, 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.

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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 5 lots:

Lot 1: 8,734sq.ft. (4,917sq.ft. excluding the access easement)/RA zoned

Lot 2: 5,329sq.ft./RA zoned

Lot 3: 5,462sq.ft./RA zoned

Lot 4: 7,269sq.ft./RA zoned, and IC zoned

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Proposed Lots 1 through 4 will have access off a 25-foot access easement. Code only allows 15% flag lots within the development, therefore, the application is requesting an adjustment to allow 4 flag lots where only 1 is allowed.

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 4,917 square feet to 7,269 square feet in size.

Front Lot Line:

Lot 1-East Lot Line

Lot 2-West Lot Line

Lot 3-West Lot Line

Lot 4-West Lot Line

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.

Wain Creek runs through the western portion of proposed Lot 5 which has SPR approval, and the eastern portion of Lots 2 through 4. 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 5 lots, with Lot 5 already having SPR approval for a 24-unit apartment complex. The approval for Lot 5 has been provided to show that proposed development.

All surrounding properties have direct access onto the existing street system. All proposed 5 lots will have direct access onto the existing street system (Mildred Lane) as well. Lots 1 through 4 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 5 lots. Lots 1 through 4 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 5 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 5-lots. Mildred Lane along the north property line of the subject property. Vehicular access to the proposed Lots 1-4 will be taken from Mildred Lane to the north via a 30-foot access easement with curb line sidewalks. Lot 5 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 5-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 5-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: The applicant has requested an adjustment to lot width for Lot 4. 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 51 trees located on the subject property. There are 2 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 49 trees located on the subject property. There are 2 trees located within the boundaries of the subject property that are proposed to be removed. Therefore, preserving 96% of the trees on the site.

Lot 1- Fir Tree 14"

Lot 5- Cherry Tree 24"

Waln Creek runs through eastern portion of Lot 5 and the western portion of Lots 2-4 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.
