

**TO:** Aaron Panko, Planner III  
Community Development Department

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer  
Public Works Department

**DATE:** September 20, 2022

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**VAR-SPR-ADJ22-02 (22-107794; 22-107795)**  
**5775 COMMERCIAL STREET SE**  
**NEW MIXED-USE BUILDING**



## **PROPOSAL**

A Variance request to remove Condition 4 from CU20-08 that requires an offset of at least four feet along the exterior wall of the proposed building, and a Class 3 Site Plan Review for a proposed mixed-use development including 71 multi-family residential units and approximately 11,998 square feet of retail commercial floor area, with zoning adjustments. For property approximately 2.95 acres in size, zoned CR (Retail Commercial), and located at 5775 Commercial Street SE - 97306 (Marion County Assessor's Map and Tax Lot number: 083W14CD / 00700).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.
2. Obtain all applicable permits regarding placement of fill and parking within existing city easements, including but not limited to an excavation fill permit pursuant to SRC 65.110.

## **FACTS**

### **Streets**

1. Commercial Street SE
  - a. Standard—This street is designated as a major arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 100-foot-wide right-of-way according to Table G-1 of the Salem TSP.

- b. Existing Conditions—This street has an approximate 48-foot-to-62-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

2. Wiltsey Road SE

- a. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 34-to-45-foot improvement within a 55-to-64-foot-wide right-of-way abutting the subject property.

**Storm Drainage**

1. Existing Conditions

- a. An 18-inch storm main is located in Commercial Street SE.
- b. A 21-inch storm main is located in Wiltsey Road SE.

**Water**

1. Existing Conditions

- a. The subject property is located in the S-2 water service level.
- b. A 12-inch water main is located in Commercial Street SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.
- c. An 8-inch water main is located in Wiltsey Road SE. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

**Sanitary Sewer**

1. Existing Conditions

- a. An 8-inch sewer main is located in Commercial Street SE.
- b. An 8-inch sewer main is located in Wiltsey Road SE.
- c. A 21-inch sewer main is located on the subject property within an easement.

## **CRITERIA AND FINDINGS**

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

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

**Finding**—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain; 802 – Public Improvements; 803 – Streets and Right-of-Way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; and 810 – Landslides.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no Special Flood Hazard Areas subject to the requirements of SRC Chapter 601 exist on the subject property.

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 no mapped landslide hazard within the development area of 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**—Commercial Street SE abuts the subject property and has adequate right-of-way, but not an adequate half-width street improvement pursuant to the Salem TSP. However, this section of Commercial Street SE has been approved for an alternative street standard consistent with SUB-ADJ19-07 and pursuant to SRC 803.065(a)(3) because of existing mature street trees along a portion of the frontage that make construction conforming to the standards undesirable. The street is finished with curb, gutter, and sidewalk improvements along the entire frontage of the property. Pursuant to SRC 86.015(e), the applicant shall provide additional street trees to the maximum extent feasible along all street frontages as required in Condition 3 of SUB-ADJ19-07.

Wiltsey Road SE abuts the subject property and has an adequate half-width right-of-way of 30 feet on the development side. This street is fully improved and meets the current standard for a collector street. No improvements are warranted as a condition of site plan review approval.

**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 existing driveway access onto Wiltsey Road SE provides for safe turning movements into and out of the property.

**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 Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

There is a City-owned sewer main on the subject property within an existing Sanitary Sewer Pipeline Easement (Marion County Reel 2856, Page 300). There is also a Creek and Open Channel Setback and Maintenance Easement (Marion County Reel 2856, Page 299) on the subject property for Waln Creek. The plans submitted show no new structures within these easements; however, they do depict construction of the parking lot within the Creek and Open Channel Setback and Maintenance Easement. The easement document specifies that placement of buildings, fences, fill, or plant material that would obstruct the natural flow of Waln Creek are not allowed to be placed within the easement area except as authorized by the City.

In addition, the property is subject to conditions of subdivision tentative plan approval SUB-ADJ19-07 which required "an engineered analysis along Waln Creek abutting the subject property to determine the base flood elevations and floodway boundaries" (Condition 6). WEST Consultants submitted an analysis that demonstrates channel improvements are necessary along Waln Creek. Construction of the proposed parking area within the drainage easement may prevent the City from making the necessary improvements.

Prior to building permit issuance, the applicant shall be required to demonstrate to satisfaction of the Public Works Director that the parking area can be feasibly constructed without obstructing the natural flow of Waln Creek within the easement area pursuant to SRC 65.090, and obtain all applicable permits, including but not limited to an excavation fill permit pursuant to SRC 65.110

**Condition:** Obtain all applicable permits regarding placement of fill and parking within existing City easements, including but not limited to an excavation fill permit pursuant to SRC 65.110.

The applicant submitted a Drainage Analysis that states that the project does not meet the definition of a Large Project pursuant to SRC 70.005 which would require the project to comply with PWDS Appendix 4E related to green stormwater infrastructure (GSI). The applicant has not set aside any area on-site for GSI. The Public Works Department has reviewed the analysis and does not believe sufficient information has been provided to demonstrate that the project is exempt from GSI requirements. At time of development, the applicant shall design and construct a storm drainage system in compliance with SRC Chapter 71 and PWDS.

**Condition:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

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.

Prepared by: Laurel Christian, Development Services Planner II

cc: File