

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

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 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.
 - 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.

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