

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

SUBDIVISION TENTATIVE PLAN / CLASS 2 ADJUSTMENT CASE NO.: SUB-ADJ24-05

APPLICATION NO.: 24-118012-PLN

NOTICE OF DECISION DATE: December 17, 2024

REQUEST: A Subdivision Tentative Plan to divide approximately 1.26 acres into a total of 16 lots ranging from 2,562 to 3,057 square feet in size, with two Class 2 Adjustments to reduce the street abutting setback from 12 feet to 10 feet for two lots noted as Lot 56 and 55.

The subject property is approximately 1.26 acres in size, zoned RS (Single Family Residential), and located at the 2490 Michigan City Lane NW - 97304 (Polk County Assessor's Map and Tax Lot number: 073W08AB1/0500).

APPLICANT: Peyton James, Pacific Community Design, on behalf of Pacific Northwest Land Company

LOCATION: 2490 Michigan City Ln NW, Salem OR 97304

CRITERIA: Salem Revised Code (SRC) Chapters 205.010(d) – Subdivision Tentative Plan; 250.005(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated December 17, 2024.

DECISION: The **Planning Administrator APPROVED** Subdivision Tentative Plan, Class 2 Adjustment Case No. SUB-ADJ24-05 subject to the following conditions of approval:

- Condition 1:** The resulting lots shall be limited to the development of townhouses and comply with the special use provisions of SRC 700.085.
- Condition 2:** Prior to final plat, the applicant shall seek a demo permit with Building and Safety for the existing structure.
- Condition 3:** Prior to final plat, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 4:** Prior to final plat approval, 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 5:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities

pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in the private streets and future impervious surfaces on all proposed lots.

- Condition 6:** Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 7:** Prior to final plat, dedicate a 33.5-foot-wide right-of-way for proposed Street A within the subject property as shown on the applicant's tentative plan.
- Condition 8:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct Street A to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exception: a minimum 22-foot interim travel lane shall be required.
- Condition 9:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), "No Parking" signs shall be installed along both sides of Street A.
- Condition 10:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), install street trees to the maximum extent feasible along Street A.
- Condition 11:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Street A on the final plat.
- Condition 12:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), existing emergency vehicle driveways to Michigan City Lane NW and Tina Avenue NW shall be permanently closed.
- Condition 13:** Prior to issuance of a Building Permit for residential development within the subdivision, pay a parks temporary access fee as specified in the recorded Temporary Facilities Access Agreement for the subject property (Polk County Instrument No. 2024-000713).

The rights granted by the attached decision must be exercised, or an extension granted, by January 14, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>October 22, 2024</u>
Notice of Decision Mailing Date:	<u>December 17, 2024</u>
Decision Effective Date:	<u>January 14, 2025</u>
State Mandate Date:	<u>April 19, 2025</u>

Case Manager: Jacob Brown, Planner II, jrbrown@cityofsalem.net, 503-540-2347
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., Thursday, January 2,

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 Chapters 205 and 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 Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission 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 THE APPROVAL)	FINDINGS AND ORDER
OF TENTATIVE SUBDIVISION AND)	
CLASS 2 ADJUSTMENT)	
CASE NO. SUB-ADJ24-05;)	
2490 Michigan City Ln NW)	DECEMBER 17, 2024

In the matter of the application for a Subdivision Tentative Plan and Class 2 Adjustments submitted by the applicant’s representative, Peyton James with Pacific Community Design, on behalf of the applicant and the property owner, Pacific Northwest Land Company represented by Mark Vukanovich, 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 application for a 16-lot subdivision.

Request: A Subdivision Tentative Plan to divide approximately 1.26 acres into a total of 16 lots ranging from 2,562 to 3,057 square feet in size, with two Class 2 Adjustments to reduce the street abutting setback from 12 feet to 10 feet for two lots noted as Lot 56 and 55.

The subject property is approximately 1.26 acres in size, zoned RS (Single Family Residential), and located at the 2490 Michigan City Lane NW - 97304 (Polk County Assessor's Map and Tax Lot number: 073W08AB1/0500).

PROCEDURAL FINDINGS

1. Background

A consolidated application for a Tentative Subdivision and Class 2 Adjustment was filed by Peyton James with Pacific Community Design, on behalf of the applicant and property owner, Pacific Northwest Land Company represented by Mark Vukanovich, proposing to subdivide property located at 2490 Michigan City Lane NW.

After additional requested information was provided by the applicant, the applications were deemed complete for processing and public notice of the proposal was subsequently sent, pursuant to SRC requirements, on October 22, 2024. SRC 300.520(b) requires the applicant for a tentative subdivision to provide a posted notice on the subject property no earlier than 14 and no later than ten days prior to the end of the comment period. The required posted notice was provided on October 24, 2024, in compliance with the requirements of Chapter 300.

The 120-day State mandated deadline was extended at the request of the applicant by 60 days to April 17, 2025.

The applicant’s proposed site plan is included as **Attachment B** and the applicant’s written statement addressing the approval criteria can be found in the record, accessible online as indicated below.

SUBSTANTIVE FINDINGS

2. Proposal

The proposal submitted by the applicant requests a tentative subdivision plan approval to divide property totaling approximately 1.26 -acres in size and located at the 2490 Michigan City Lane NE (**Attachment A**) into a total of 16 lots ranging in size from 2,562 to 3,057 square feet in size.

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 118012.

4. Existing Conditions

Site and Vicinity

The subject property is located at 2490 Michigan City Lane NW (Polk County Assessor’s Map and Tax Lot Number: 073W08AB1/0500), is 1.23 acres in size, and abuts Michigan City Lane NW to the north and Tina Avenue NW to the south. Michigan City Lane NW which is designated as a Collector Street and Tina Avenue NW is designated as a Local Street under the City’s Transportation System Plan (TSP).

Urban Growth Policies: The subject property is located inside the Salem Urban Growth Boundary and inside the corporate city limits.

Comprehensive Plan Map: The subject property is designated SF “Single Family Residential” on the Salem Area Comprehensive Plan map.

Comprehensive Plan Map Designations of Surrounding Properties	
North	Across Michigan City Lane NW, Polk County Jurisdiction – Farm Forest
South	Across Tina Avenue NW, SF “Single Family Residential”
East	SF “Single Family Residential”
West	SF “Single Family Residential”

Zoning Map Designation

The subject property is zoned RS (Single Family Residential). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	Across Michigan City Lane NW, Polk County Jurisdiction – Farm Forest
South	Across Tina Avenue NW, RS (Single Family Residential)
East	RS (Single Family Residential)
West	PA (Public Amusement)

Relationship to Urban Service Area

The subject property is located outside of the Urban Service Area. An Urban Growth Preliminary Declaration has been previously approved for development of the subject property with UGA-SUB22-02. Conditions of approval from UGA-SUB22-02 shall apply to the proposed development. All linking facilities have been constructed with Phase 1. As proposed and conditioned, the tentative subdivision plan is designed to accommodate required on-site and off-site improvements, meeting the standards in SRC Chapter 200/

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
Michigan City Lane NW (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	60-feet	43-feet
Tina Avenue NW (Local)	Standard:	60-feet	30-feet
	Existing Condition:	60-feet	30-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: W-1
	A 12-inch water main is located in Michigan City Lane NW.
	An 8-inch water main is located in Tina Avenue NW.

Sanitary Sewer	An 8-inch sanitary sewer main is located in Michigan City Lane NW.
	An 8-inch sanitary sewer main is located in Tina Avenue NW.
Storm Drainage	A 12-inch storm main is located in Michigan City Lane NW.
	A 12-inch storm main is located in Tina Avenue NW.
Parks	There are no existing neighborhood parks within 0.5 miles of the subject property.

5. Public and Private Agency Review

Salem-Keizer Public Schools – Reviewed the proposal and provided a memo which is included as **Attachment C**.

City of Salem Building and Safety Division - Reviewed the proposal and indicated no objections.

City of Salem Fire Department - Reviewed the proposal and indicated that items including Fire Department access and water supply will be required per the Oregon fire code at the time of development.

City of Salem Development Services Division - Reviewed the proposal and provided comments pertaining to required City infrastructure needed to serve the proposed development. Comments from the Development Services Division are included as **Attachment D**.

6. Neighborhood Association and Public Comments

The subject property is located within the West Salem Neighborhood Association (WSNA).

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), the tentative subdivision and validation application included in this proposed land use application request requires neighborhood association contact. The applicant’s representative contacted WSNA on May 22, 2024, to provide details about the proposed land use application, in conformance with the requirements of SRC 300.310.

Neighborhood Association Comments

Notice of the application was provided to WSNA pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. WSNA provided comments during the comment period seeking clarification for the following:

“There are two proposed lots 20.2 feet wide. Given the requirement for a 5-foot setback from the property line, how do these two lots meet the minimum 20-foot-wide requirement for

townhouses? Please address and provide just how this apparent noncompliance with code is acceptable.”

Staff Response: Per Salem Revised Code (SRC) 511.010(b), the minimum lot width for a townhouse lot is 20 feet. The minimum width requirement is not counted exclusive any required setbacks. The proposed width of 20.2 feet meets the minimum lot width requirement.

“Based upon our conversation, the onsite duplex structure will require a demolition permit and DEQ approval for removal of the septic tank and drainage field. Please include this as a specific condition of approval.”

Staff Response: A condition has been added within section 7 of this report requiring that the existing duplex structure to seek a demolition permit and complete the demolition prior to final plat. The applicant will be required to meet all applicable demolition requirements and Department of Environmental Quality decommissioning for septic tanks through the Building and Safety permit process.

“There is uncertainty as to whether the onsite duplex used fuel oil for heating. Furthermore, the presence of broken down farming equipment onsite raises the issue of was there historically Underground Storage Tanks (USTs) at the site or associated with the residential onsite structure or fueling of equipment. Therefore, please include a condition of approval for certification that no USTs are onsite or were decommissioned without appropriate permits. Furthermore, a condition of approval that requires verification that no fuel or oil products were spilled on this site, particularly associated with agricultural equipment use and/or storage on this site.”

Staff Response: Based on the available City records, there is no indication that the property was recorded to retain Underground Storage Tanks. USTs and spillage of fuel or oil products are regulated by the Oregon Department of Environmental Quality and not under the review of City of Salem.

Public Comments

In addition to providing notice to the neighborhood association, notice was also 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. One public comment was received during the comment period indicating concerns with safety relating to the added traffic with this development, questioned where the City will be providing additional public parks to serve this area of the City, and concern with overgrown vegetation causing a vision obstruction at the northwest corner of the intersection of Michigan City Lane NW and Wallace Road NW.

Safety Concerns with Additional Traffic: Comments received express concerns for safety relating to the added traffic with this development.

Staff Response: The Development Services Division has evaluated the proposal and submitted comments indicating that existing streets in the vicinity have adequate width for two-way vehicle traffic. Improvements to Michigan City Lane NW and Tina Avenue NW were previously complete with the first phase of the Misty Meadows Subdivision. Proposed phase 2 development will result in the extension of a new local street at the western boundary between

Michigan City Lane NW and Tina Avenue NW to fill in the gap and provide additional connectivity to the current street network. The City Traffic Engineer has determined that the proposed development does not generate traffic volumes sufficient to require a traffic impact analysis pursuant to SRC 803.015; therefore, off-site mitigation to the existing transportation system is not warranted as a condition of the proposed development.

The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). The development will pay Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth.

Public Parks: Comments received questioned where the City will be providing additional public parks to serve this area of the City.

Staff Response: There are no neighborhood parks within one-half mile walking distance of the proposed subdivision. The nearest neighborhood park is Ellen Lane Park, located approximately 0.6 miles southwest of the subject property. Due to the size of the subject property, the site is not suitable for dedication and development of an appropriately sized park. The applicant is required to pay a Temporary Access Fee in lieu of a park dedication. Temporary Access Fees and System Development Charges are used to acquire and develop future City parks based on the Salem Comprehensive Parks System Master Plan.

Vision Clearance: Comments received indicate a concern with overgrown vegetation causing a vision obstruction at the northwest corner of the intersection of Michigan City Lane NW and Wallace Road NW.

Staff Response: The northwest corner of the intersection of Michigan City Lane and Wallace Road is outside the jurisdiction of the City of Salem. Safety concerns due to overgrown brush can be reported for maintenance to the Oregon Department of Transportation, District 3 at 503-986-2900, or by submitting concerns through [AskODOT](#).

Homeowners Association

The subject property is not located within a Homeowners Association.

7. ANALYSIS OF TENTATIVE SUBDIVISION PLAN APPROVAL CRITERIA

SRC Chapter 205.010(d) sets forth the following criteria that must be met before approval can be granted to a tentative subdivision plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

SRC 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.

Finding: The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned RS (Single Family Residential).

The proposed tentative subdivision plan, as conditioned, complies with the applicable standards of the RS zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

SRC Chapter 205 (Land Division and Reconfiguration)

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Stormwater System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

Finding: 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. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, 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), Oregon Administrative Rules 850 020-0015(4)&(10), 820-020-0020(2), and 820 020-0045(5).

SRC Chapter 511 RS (Single Family Residential) zone

The subject property is zoned RS (Single Family Residential). Development within the RS zone must meet the applicable standards included under SRC Chapter 511. The standards of the RS zone that are applicable to the proposed subdivision are as follows:

▪ **Lot Standards:**

Lot size and dimension standards within the RS zone are established under SRC 511.010(b), Table 511-2. A summary of the lot size and dimension standards applicable to residential uses within the RS zone is provided in the following table:

RS Zone Residential Use Lot Standards		
Lot Area	Min. 1,500 sq. ft.	Applicable to townhouses
	Min. 4,000 sq. ft.	Applicable to all other single family
	Min. 4,000 sq. ft.	Applicable to two family uses
	Min. 5,000 sq. ft.	Applicable to three family uses
	Min. 7,000 sq. ft.	Applicable to four family uses and cottage clusters
Lot Width	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
Lot Depth	Min. 70 ft.	Applicable to single family and two family
	Min. 80 ft.	Applicable to three family uses, four family uses, and cottage clusters.
	Min. 120 ft.	Applicable to double frontage lots (<i>lots with front and rear lots lines abutting a street</i>).
	Max. 300% of average lot width	
Street Frontage	Min. 20 ft.	Applicable to townhouses
	Min. 40 ft.	Applicable to all other uses
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.

As shown on the tentative subdivision plan, the lot sizes of the proposed seven lots for residential development range from approximately 2,562 to 3,057 square feet. Each of the proposed lots has a minimum width of 20 feet or greater and a lot depth that is 70 feet or greater, which is suitable for single family townhouses. All of the proposed lots within the subdivision are in compliance with the minimum lot area, lot dimension, and street frontage standards of the RS zone and are of sufficient size and dimension to permit future development of uses allowed within the zone.

Condition 1: The resulting lots shall be limited to the development of townhouses and comply with the special use provisions of SRC 700.085.

▪ **Setbacks:**

Setbacks for buildings and accessory structures within the RS zone are established under SRC 511.010(d), Table 511-3. A summary of the required setbacks for residential within the RS zone is provided in the table below.

RS Zone Setbacks		
Abutting Street	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Interior Front	Min. 12 ft.	
Interior Side	Min. 5 ft.	Applicable to new buildings, other than zero side yard dwellings and townhouses.
Interior Rear	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.

Garage Setback: In addition to the setbacks identified above, SRC 806.025(b) requires garages facing a street or flag lot accessway to be setback a minimum of 20 feet in order to accommodate a driveway and enough space for vehicles to park on the driveway without projecting into the street right-of-way or flag lot accessway.

There is an existing duplex structure on the property which is proposed to be demolished. The following is conditioned to ensure the structure is demolished prior to final plat of the subdivision.

Condition 2: Prior to final plat, the applicant shall seek a demo permit with Building and Safety for the existing structure.

The setback requirements of the RS zone apply to future development on each of the individual proposed lots. Because the proposal includes only the subdivision of the land to create lots, and no buildings or specific development is proposed for any of the lots at this time, the setback requirements are not generally reviewed at this time. Future development of the proposed lots will be reviewed for conformance with setback requirements at the time of building permit.

SRC Chapter 800 (General Development Standards)

▪ ***Designation of Lot Lines.***

SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots.

For lots that have frontage on a street, other than corner lots and double frontage lots, the front lot line shall be the property line abutting the street. The proposed lots have frontage on the proposed private drive, the front lot line for these lots shall be the property line abutting the street. There are no flag lots proposed within this application.

City Infrastructure Standards

The Development Services Division reviewed the proposal for compliance with the City’s public facility plans pertaining to provision of streets, water, sewer, and storm drainage facilities and determined that the proposed subdivision, with recommended conditions of approval, conforms

to the requirements of SRC Chapter 71 (Stormwater), SRC Chapter 802 (Public Improvements), SRC Chapter 803 (Streets and Right-of-Way Improvements), and the Public Works Design Standards (PWDS). While SRC Chapter 205 does not require submission of public construction plans for City infrastructure prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct required City infrastructure to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

A summary of the existing and required City infrastructure improvements are 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 outside of the Urban Service Area. An Urban Growth Preliminary Declaration has been previously approved for development of the subject property with UGA-SUB22-02. Conditions of approval from UGA-SUB22-02 shall apply to the proposed development. All linking facilities have been constructed with Phase 1. As proposed and conditioned, the tentative subdivision plan is designed to accommodate required on-site and off-site improvements, meeting the standards in SRC Chapter 200.

Acquisition of property, easements, and right-of-way:

SRC 200.050(d) requires that right-of-way and easements 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 "Street A" and easements required for public access and utilities on the site. There is an existing 22-foot-wide emergency vehicle access easement that was platted on Lot 48 with the Misty Meadows subdivision. With dedication and construction of a new public street through the property, the emergency vehicle access will no longer be needed. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

Condition 3: Prior to final plat, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

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 SRC Chapter 71 which requires the development to provide flow control and water quality treatment through the use of green stormwater infrastructure. The applicant provided a preliminary stormwater memorandum

which describes that the existing facility, constructed with Phase 1 of the subdivision, is adequate to serve the additional lots created through this application. Modifications to the existing stormwater facility are necessary to ensure the existing facility can provide adequate flow control for the additional impervious surfaces, according to the memorandum.

To demonstrate the proposed lots 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 building envelopes and tentative location of stormwater facilities. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed lots within the subdivision and for the new streets and accessways.

Condition 4: Prior to final plat approval, 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 5: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in the private streets and future impervious surfaces on all proposed lots.

SRC Chapter 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 which was constructed with Phase 1 of Misty Meadows (UGA-SUB22-02) and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan.

- ***Easements:***

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. There is an existing platted Storm Drainage and Sanitary Sewer Easement to the City of Salem shown on the applicant's tentative plan. This easement contains existing City infrastructure and is required to remain on the plat.

Condition 6: Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

SRC Chapter 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 subdivision applications.

Finding: Michigan City Lane NW abuts the subject property and is classified as a collector street according to the Salem Transportation System Plan (TSP). A half-street improvement along Michigan City Lane NW was constructed to collector street standards established in SRC 803.025 along the frontage of the subject property with the initial development of the Misty Meadows Subdivision; therefore, additional improvements along Michigan City Lane NW are not required for the proposed development.

Tina Avenue NW abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). Tina Avenue NW was constructed to local street standards established in SRC 803.025 along the frontage of the subject property with the initial development of the Misty Meadows Subdivision; therefore, additional improvements along Tina Avenue NW are not required for the proposed development.

- ***Street Standards – New Internal Streets:***

All new public and private streets shall be improved pursuant to the standards outlined in SRC 803.030 and 803.035.

Finding: The applicant's tentative plan shows a new unnamed internal local street (Street A) to be constructed along the western boundary of the subject property. The applicant is seeking Alternative Street Standards for Street A to reduce the overall right-of-way width requirement for a local street from 60 feet to 52 feet. Planter strips on both sides of Street A will be reduced in width from eight feet to approximately 4 feet and 5.5 feet. Sidewalks will have a minimum width of five feet and will be located at the property line as required by SRC Chapter 803.

A three-quarter improvement will be required for Street A as a condition of approval with this development. Street A is designed to have an interim right-of-way width of 33.5 feet and 22-foot improvement width to allow for two-way travel, a four-foot planter strip and five-foot wide sidewalk located at the property line. A 22-foot improvement width is not enough to accommodate on-street parking. No parking signs will be required along both sides of Street A until the ultimate width of the street is increased to 30 feet. Pursuant to SRC 803.065(a)(1), an Alternative Street Standard is approved to allow the reduced right-of-way width and pavement which will provide adequate two-way travel as an interim measure until such time the street is widened upon development on adjacent property.

At the time of development for abutting property to the west, the remaining portions of Street A will be complete, including dedication of an additional 18.5 feet of right-of-way for a total width of 52-feet and eight feet of additional paved width. Property line sidewalk and a planter strip with street trees will also be required.

- Condition 7:** Prior to final plat, dedicate a 33.5-foot-wide right-of-way for proposed Street A within the subject property as shown on the applicant’s tentative plan.
- Condition 8:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct Street A to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exception: a minimum 22-foot interim travel lane shall be required.
- Condition 9:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), “No Parking” signs shall be installed along both sides of Street A.

▪ **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: Condition 6 from SUB-UGA22-02 requires street trees to be planted to the along the frontages (Michigan City Lane NW and Tina Avenue NW) of the subject property (Lot 48). In addition, street trees shall be installed to the maximum extent feasible along the frontage of Street A.

- Condition 10:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), install street trees to the maximum extent feasible along Street A.

▪ **Public Utility Easements:**

SRC 803.035(n) requires dedication of a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

Finding: A 10-foot-wide PUE was dedicated with the Misty Meadows Subdivision along the Michigan City Lane NW and Tina Avenue NW frontages of the subject property (Lot 48). As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the frontage of Street A.

- Condition 11:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Street A on the final plat.

SRC Chapter 804 – Driveway Approaches

SRC Chapter 804 establishes driveway development standards for development to ensure safe and adequate vehicular access is provided.

Finding: Two existing driveways providing emergency vehicle access were constructed along Michigan City Lane NW and Tina Avenue NW. Development of Street A will provide required emergency vehicle access to the Misty Meadows subdivision. As such, these approaches will no longer be necessary or serve a vehicle use area. The emergency vehicle access, including

the driveways to Michigan City Lane NW and Tina Avenue NW shall be permanently closed as a condition of approval.

Condition 12: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), existing emergency vehicle driveways to Michigan City Lane NW and Tina Avenue NW shall be permanently closed.

(A) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

SRC Chapter 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 Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 805 – Vision Clearance (if applicable)

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: The applicant's tentative plan identifies a private alley which has a driveway connection to Street A, this private alley will be the primary vehicle access point for each of the proposed lots. No direct driveway accesses will be allowed to Michigan City Lane NW, Tina Avenue NW, or Street A for any future homes within this subdivision. The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

SRC Chapter 808 - (Preservation of Trees and Vegetation):

The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 20 inches or greater, or any other tree with a dbh of 30 inches or greater, but excluding Tree of Heaven, Empress Tree, Black Cottonwood, and Black Locust), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for any development proposal involving the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. Tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 30 percent of the remaining trees on the property. A Tree Conservation Plan (24-118015-PLN) was submitted in conjunction with the subdivision tentative plan identifying a total of 11 trees on the subject property, including one significant tree. All of the trees are proposed for removal.

SRC 808.035(d)(1)(D): Not less than 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees.

There are 11 trees on the subject property, a maximum of eight trees ($11 \times 0.7 = 8.5$) may be removed in order to comply with the tree preservation requirements of SRC 808.035(d)(1)(D). The proposed development results in the removal of eleven trees not meeting the minimum 30-percent preservation standard and therefore mitigation pursuant to SRC 808.035(e) is required.

808.035 (e) – Mitigation Measures: Pursuant to SRC 808.035(e), when less than 30 percent of all trees located on a property are designated for preservation under a tree conservation plan, any combination of one or more of the mitigation measures described under SRC 808.035(e) shall be provided for each tree removed in excess of 70 percent.

As the applicant is proposing a complete removal of all trees on the subject property, the mitigation measures are triggered. The applicant has opted to provide the residential density increase which requires a minimum of one middle housing dwelling unit or accessory dwelling unit to be provided for each tree to be removed. The proposed townhouse development is classified as middle housing and with 16 townhouses proposed the 11 trees proposed to be removed is mitigated.

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. A Geological Assessment, prepared by GEO Consultants Northwest and dated May 14, 2021, was submitted to the City of Salem with the initial subdivision application for the Misty Meadows subdivision (SUB-UGA22-02). This assessment demonstrates the subject

property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

Finding: The proposed subdivision divides the entire 1.26-acre property into 16 lots. The proposed lots within the subdivision are of sufficient size and dimension to permit development of uses allowed within the zone without impeding the future use or development of the property. The subdivision would not result in the creation of nonconforming development.

The proposed subdivision similarly does not impede the use or development of adjacent land. As shown on the tentative plan, the subdivision provides for internal connectivity via a street that will be used as the primary access point for each of the lots. This approval criterion is met.

SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.

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 subdivision, subject to the conditions of approval established in this decision. This approval criterion is met.

SRC 205.020(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Finding: As described in the findings above, the subject property is located adjacent to Michigan City Lane NW, which is classified as a collector street under the City's Transportation System Plan (TSP). As a condition of approval for SUB-UGA22-02, right-of-way dedication and half-street improvements were required along the frontage of Michigan City Lane NW, including the subject property. Tina Avenue NW abuts the subject property to the south and is designated as a local street under the TSP. Tina Avenue NW was fully constructed to local street standards with SUB-UGA22-02.

No further improvements are required along Michigan City Lane NW or Tina Avenue NW.

SRC 205.010(d)(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.

Finding: Access to the proposed subdivision will be provided by the network of existing public streets that surround the property. As shown on the tentative subdivision plan, a new internal street is extended along the western boundary of the site to provide access to the proposed lots within the subdivision. As conditioned, the required improvements will ensure that the street system in and adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This criterion is met.

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.

Finding: As found in SUB-UGA22-02, the subject property is not served by a park. The nearest park is Ellen Lane Park, an undeveloped neighborhood park, approximately 0.6 miles southwest of the subject property. As described in the findings below, a Parks Temporary Access Fee is required to allow for future parks acquisition. No additional improvements are required. This criterion is met.

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.

Finding: The proposed 16-lot subdivision generates less than 1,000 average daily vehicle trips to the collector street system. Therefore, a TIA is not required as part of the proposed subdivision submittal per SRC 803.015(b)(1).

SRC 205.010(d)(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.

Finding: 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. The subject property is located outside of the Urban Service Area; development of the subject property requires an Urban Growth Preliminary Declaration. A UGA has been previously approved for development of the Misty Meadows Subdivision (SUB-UGA22-02), which includes the subject property. As previously required per SUB-UGA22-02, and as proposed and condition with this application, the tentative subdivision plan is designed to accommodate required on-site and off-site improvements. Analysis for needed Urban Growth Area Improvements are described as follows:

Streets – The subject property fronts Michigan City Lane NW, which is an existing adequate linking street as defined in SRC Chapter 200. Michigan City Lane NW recently received half-street improvements along the frontage of the subject property as conditioned by SUB-UGA22-02. Additional linking street improvements are not required.

Sanitary Sewer – Salem Wastewater Management Master Plan improvements were constructed, and public sewers were extended to adjacent upstream parcels as a condition of SUB-UGA22-02. Additional improvements are not required.

Storm Drainage – As a condition of SUB-UGA22-02, the on-site stormwater system constructed with the Misty Meadows subdivision was required to link to existing storm system facilities located in Michigan City Lane, and are adequate to serve the proposed development. Additional improvements are not required.

Water – The subject property is located in the W-1 water service level. As a condition of SUB-UGA22-02, 12-inch W-1 water mains were constructed in Michigan City Lane NW and Tina Avenue NW and are adequate to serve the proposed development. Additional improvements are not required.

Parks – As identified in SUB-UGA22-02, the subject property is not served by a neighborhood park. There are no neighborhood parks within one-half-mile walking distance of the subject property. Pursuant to SUB-UGA22-02, due to the size of the subject property, the site is not suitable for development of an appropriately sized park. The applicant entered into a Temporary Facilities Access Agreement with the City which establishes that the parks Temporary Access Fee (TAF) will be paid at time of building permit application for each dwelling unit (Polk County Instrument No. 2024-000713). As a condition of approval, the applicant shall be required to pay the parks TAF in accordance with the recorded agreement, prior to issuance of a building permit for each additional building lot.

Condition 13: Prior to issuance of a Building Permit for residential development within the subdivision, pay a parks temporary access fee as specified in the recorded Temporary Facilities Access Agreement for the subject property (Polk County Instrument No. 2024-000713).

8. 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 shown in ***bold italic***, 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 applicant is requesting a two Class 2 Adjustments to reduce the street abutting setback from 12 feet to 10 feet for two lots noted as Lot 56 and 55.

SRC 511.010 (d) Table 511-3 requires lots within the Single Family Residential (RS) Zone to have a minimum setback of 12 feet along any property line abutting a street not designated as a Collector or Arterial. The purpose of the standard is to adequately setback residences from the street creating open areas for vision clearance and usable open space for residents of the property.

The proposed Lots 56 and 55 are corner lots with frontage on the proposed Street A and existing streets Tina Avenue NW and Michigan City Lane NW. Both Tina Avenue NW and proposed Street A are local streets while Michigan City Lane NW is designated as a collector. The collector designation requires a minimum setback of 20-feet. In addition, along the rear property line abutting the proposed alley a 20-foot setback is required for any two-structure which the applicant has indicated to be the design of the townhouses. Given the site constraints the applicant has sought a Class 2 Adjustment to reduce the street abutting

setback along the property line abutting Street A to allow a more unified design of the overall development. The setbacks required along Michigan City Lane NW and Tina Avenue NW create an equivalent amount of open area which is further enhanced by the setback required along the alley adjacent rear property lines. Furthermore, the reduced setback will not impact the required vision clearance areas required along the corner of the streets.

As proposed, the Class 2 Adjustments are equally or better met by the proposed development.

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 subject property is located within the RS (Single Family Residential) zone; therefore, this criterion is applicable. As indicated above, the purpose of the proposed adjustments is to allow the development of townhouses to have a more a uniform design. The applicant indicates that the street improvements required for Street A and existing streets while meeting the 12-foot setback results in a design constraint for Lots 55 and 56. Demonstrated within the applicant's plans, the adjusted street abutting setback will not impact vision clearance for motorists along the intersections of proposed Street A and Michigan City Lane NW and Tina Avenue NW respectively. With the 30-foot lot width, the adjusted setback will allow the development to have a uniform developable width for each result lot. Given the site constraints and street improvements occurring, the proposed adjustment will not detract from the livability or appearance of the residential area.

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: Three separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

9. Conclusion

Based upon review of SRC 205.010(d) and 250.005(d)(2), the findings contained under Sections 8-9 above, and the comments described, the Tentative Subdivision and Class 2 Adjustment comply with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

IT IS HEREBY ORDERED

That Tentative Subdivision and Class 2 Adjustment Case No. SUB-ADJ24-05, for property located at the 2490 Michigan City Lane NW, is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, requirements of

development, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** The resulting lots shall be limited to the development of townhouses and comply with the special use provisions of SRC 700.085.
- Condition 2:** Prior to final plat, the applicant shall seek a demo permit with Building and Safety for the existing structure.
- Condition 3:** Prior to final plat, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 4:** Prior to final plat approval, 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 5:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in the private streets and future impervious surfaces on all proposed lots.
- Condition 6:** Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 7:** Prior to final plat, dedicate a 33.5-foot-wide right-of-way for proposed Street A within the subject property as shown on the applicant's tentative plan.
- Condition 8:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct Street A to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exception: a minimum 22-foot interim travel lane shall be required.
- Condition 9:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), "No Parking" signs shall be installed along both sides of Street A.
- Condition 10:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), install street trees to the maximum extent feasible along Street A.
- Condition 11:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Street A on the final plat.
- Condition 12:** Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), existing emergency vehicle driveways to Michigan City Lane NW and Tina Avenue NW shall be permanently closed.

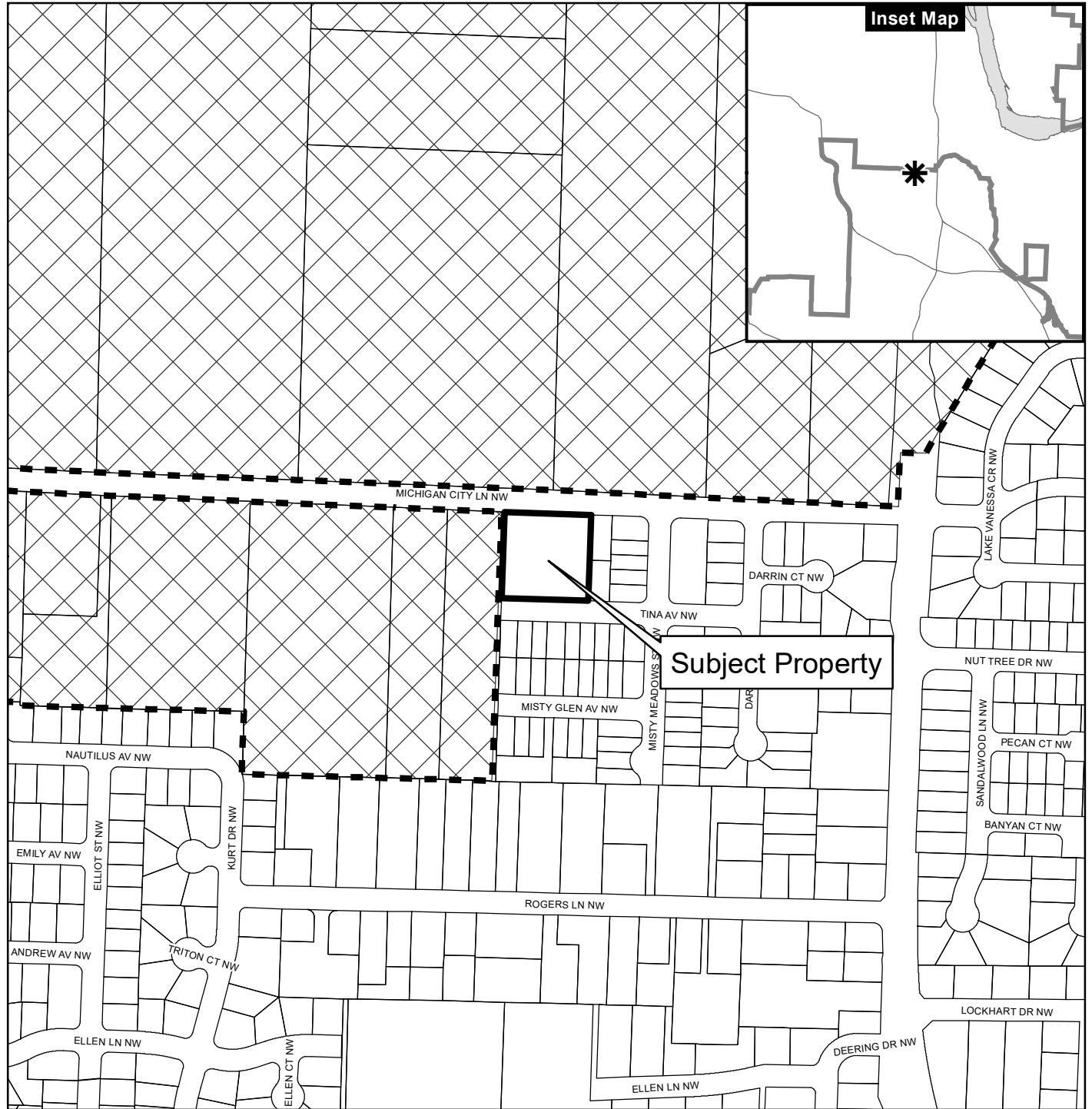
Condition 13: Prior to issuance of a Building Permit for residential development within the subdivision, pay a parks temporary access fee as specified in the recorded Temporary Facilities Access Agreement for the subject property (Polk County Instrument No. 2024-000713).










Jacob Brown, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

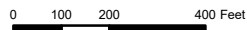
Attachments: A. Vicinity Map
B. Applicant's Tentative Subdivision and Development Plans
C. Salem-Keizer School District Memo
D. Development Services Memo dated December 16, 2024

Vicinity Map 2490 Michigan City Lane NW



Legend

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



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12564 SW Main Street
Tigard, OR 97223
[T] 503-941-9484

DATE: 7/1/2024

REVISIONS		
NO.	DATE	DESCRIPTION

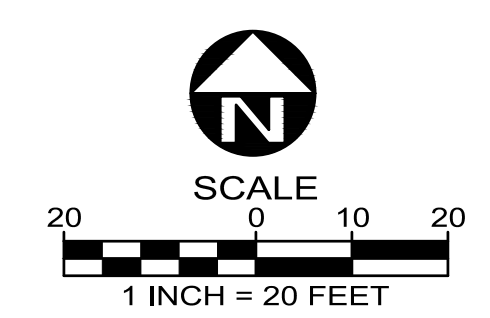
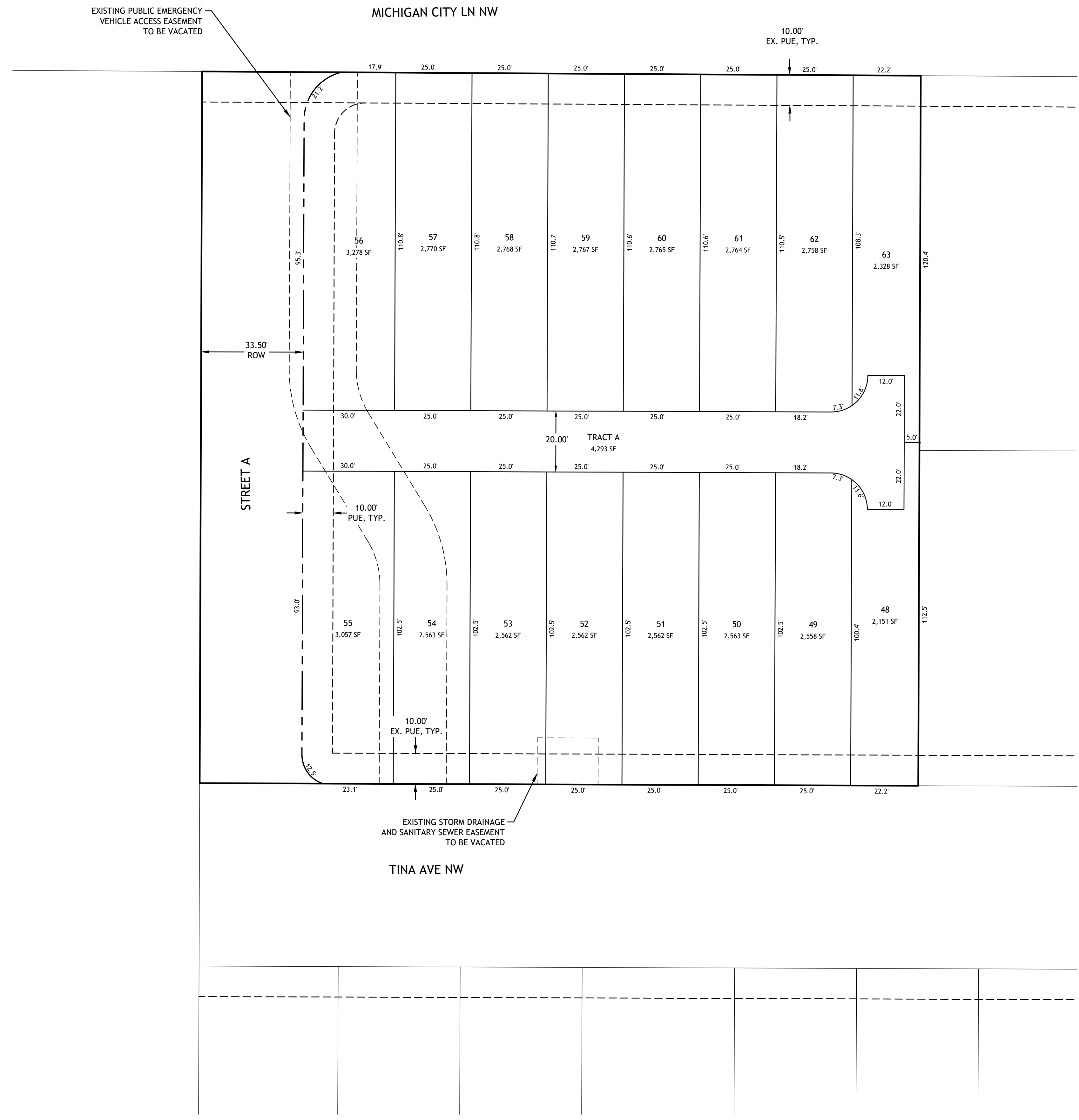
TENTATIVE
SUBDIVISION

MISTY
MEADOWS
PHASE 2

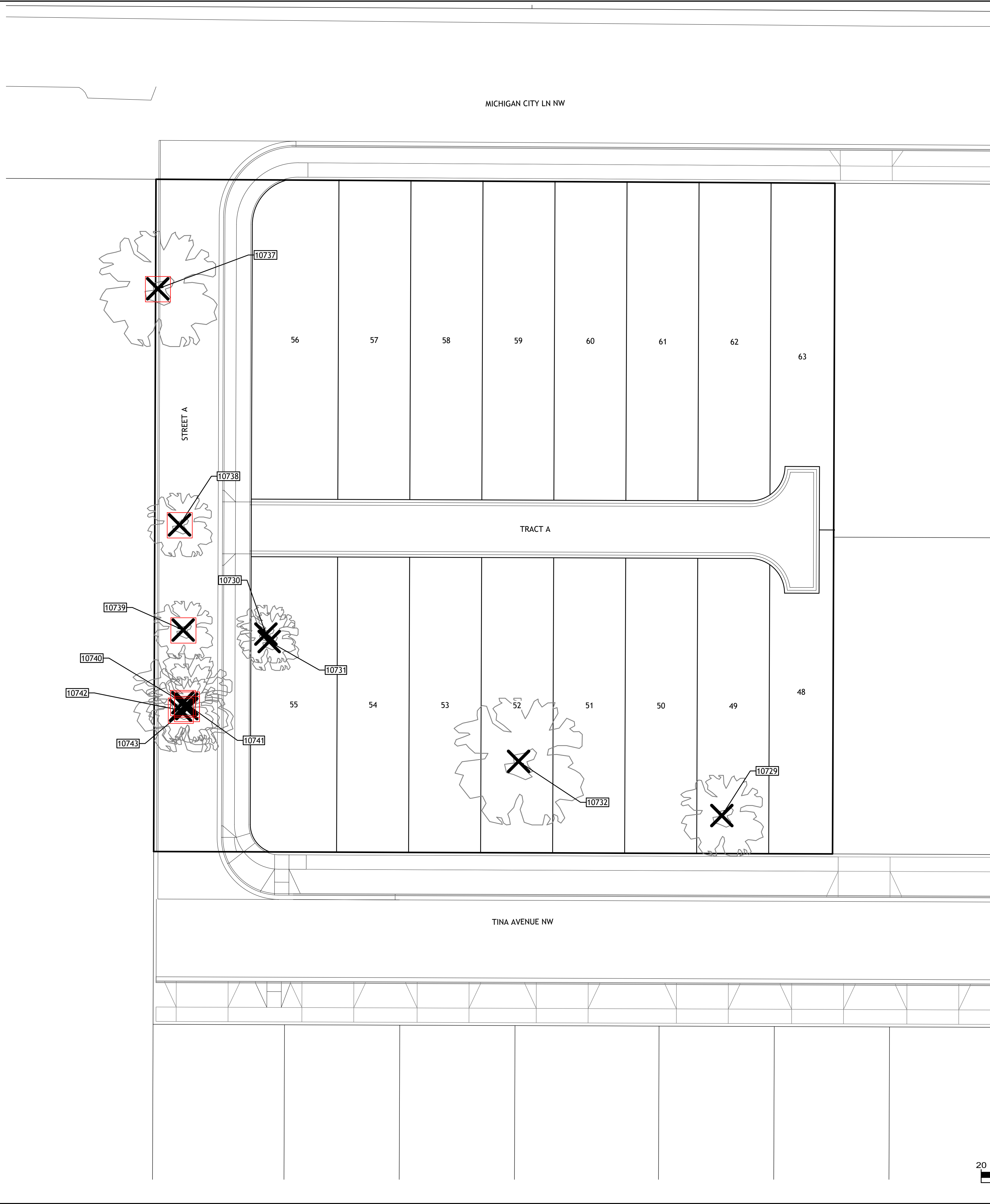
PRELIMINARY
SUBDIVISION
PLAT

PROJECT NO.: 101-073A
TYPE: PRELIMINARY
REVIEWED BY: CLL






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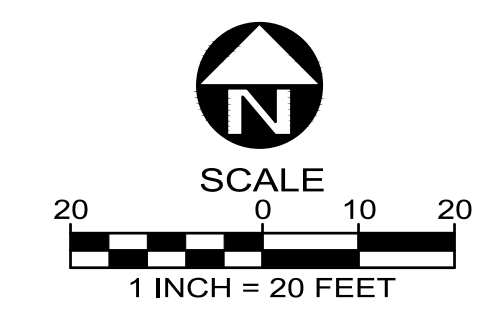


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LEGEND

-  DECIDUOUS TREE TO REMAIN
-  CONIFEROUS TREE TO REMAIN
-  EXISTING TREE TO BE REMOVED
-  NOT INCLUDED IN TREE CANOPY INVENTORY DUE TO LOCATION IN PROPOSED R.O.W.
-  TREE NUMBER



DATE: 7/1/2024

REVISIONS		
NO.	DATE	DESCRIPTION

TENTATIVE SUBDIVISION

MISTY MEADOWS PHASE 2

PRELIMINARY TREE PLAN

PROJECT NO.: 101-073A
TYPE: PRELIMINARY
REVIEWED BY: CLL

REQUEST FOR COMMENTS

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

REGARDING: Subdivision Tentative Plan / Class 2 Adjustment Case No. SUB-ADJ24-05

PROJECT ADDRESS: 2490 Michigan City Ln NW, Salem OR 97304

AMANDA Application No.: 24-118012-PLN

COMMENT PERIOD ENDS: Tuesday, November 5, 2024, at 5:00 p.m.

SUMMARY: An application for a 16-lot subdivision.

REQUEST: A Subdivision Tentative Plan to divide approximately 1.26 acres into a total of 16 lots ranging from 2,562 to 3,057 square feet in size, with two Class 2 Adjustments to reduce the street abutting setback from 12 feet to 10 feet for two lots noted as Lot 56 and 55. The subject property is approximately 1.26 acres in size, zoned RS (Single Family Residential), and located at the 2490 Michigan City Lane NW - 97304 (Polk County Assessor’s Map and Tax Lot number: 073W08AB1/0500).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 p.m., Tuesday, November 5, 2024, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below, or submit comments online at <https://egov.cityofsalem.net/PlanningComments>*

CASE MANAGER: Jacob Brown, Planner II, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2347; E-Mail: jrbrown@cityofsalem.net.

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- 1. I have reviewed the proposal and have no objections to it.
- 2. I have reviewed the proposal and have the following comments: See attached

Name/Agency: David Fridenmaker, Salem-Keizer Public Schools

Address: 2450 Lancaster Dr NE, PO Box 12024, Salem OR 97309

Phone: 503-315-0232

Email: fridenmaker_david@salkeiz.k12.or.us

Date: 10/29/24

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM



Andrea Castañeda, Superintendent

October 29, 2024

Jacob Brown, Planner
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RE: Land Use Activity Case No. SUB-ADJ24-05, 2490 Michigan City Ln NW

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Brush College	Elementary	K thru 5
Straub	Middle	6 thru 8
West Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Brush College	Elementary	249	481	52%
Straub	Middle	567	956	59%
West Salem	High	1,572	2,100	75%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	16	SF	0.168	3
Middle			0.098	2
High			0.144	2

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Brush College	Elem.	249	5	3	8	481	53%
Straub	Mid.	567	55	2	57	956	65%
West Salem	High	1,572	74	2	76	2,100	79%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Brush College	Elementary	Eligible for School Transportation
Straub	Middle	Eligible for School Transportation
West Salem	High	Eligible for School Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	3	\$87,035	\$261,105
Middle	2	\$106,854	\$213,708
High	2	\$126,672	\$253,344
TOTAL			\$728,157

Table 6

*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q2 2024”

Sincerely,

David Fridenmaker
Business and Support Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation



MEMO

TO: Jacob Brown, Planner II
Community Planning and Development Department

FROM: Aaron Panko, Infrastructure Planner III
Community Planning and Development Department

DATE: December 13, 2024

SUBJECT: **Infrastructure Memo**
SUB-ADJ24-05 (24-118012-PLN)
2490 Michigan City Lane NW
16-lot Townhome Subdivision

A handwritten signature in blue ink, appearing to be "A. Panko", written over the "FROM:" field.

PROPOSAL

A Subdivision Tentative Plan to divide approximately 1.26 acres into a total of 16 lots ranging from 2,562 to 3,057 square feet in size, with two Class 2 Adjustments to reduce the street abutting setback from 12 feet to 10 feet for two lots noted as Lot 56 and 55.

The subject property is approximately 1.26 acres in size, zoned RS (Single Family Residential), and located at the 2490 Michigan City Lane NW - 97304 (Polk County Assessor's Map and Tax Lot number: 073W08AB / 10500).

RECOMMENDED CONDITIONS APPROVAL

1. Prior to final plat, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
2. Prior to final plat approval, 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.
3. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct any additional necessary 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.
4. Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

5. Prior to final plat, dedicate a 33.5-foot-wide right-of-way for proposed Street A within the subject property as shown on the applicant’s tentative plan.
6. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct Street A to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exception: a minimum 22-foot interim travel lane shall be required.
7. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), “No Parking” signs shall be installed along both sides of Street A.
8. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), install street trees to the maximum extent feasible along Street A.
9. Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Street A on the final plat.
10. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), existing emergency vehicle driveways to Michigan City Lane NW and Tina Avenue NW shall be permanently closed.
11. Prior to issuance of a Building Permit for residential development within the subdivision, pay a parks temporary access fee as specified in the recorded Temporary Facilities Access Agreement for the subject property (Polk County Instrument No. 2024-000713).

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
Michigan City Lane NW (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	60-feet	43-feet
Tina Avenue NW (Local)	Standard:	60-feet	30-feet
	Existing Condition:	60-feet	30-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: W-1

	A 12-inch water main is located in Michigan City Lane NW.
	An 8-inch water main is located in Tina Avenue NW.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Michigan City Lane NW.
	An 8-inch sanitary sewer main is located in Tina Avenue NW.
Storm Drainage	A 12-inch storm main is located in Michigan City Lane NW.
	A 12-inch storm main is located in Tina Avenue NW.
Parks	There are no existing neighborhood parks within 0.5 miles of the subject property.

SUBDIVISION 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 205.010(d)(1): The tentative subdivision complies with all 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.

SRC Chapter 205 – Land Division and Reconfiguration

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to ensure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final subdivision plat.

Finding: 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. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, 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), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

(B) City infrastructure standards

The Development Services Division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. It is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are 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 outside of the Urban Service Area. An Urban Growth Preliminary Declaration has been previously approved for development of the subject property with UGA-SUB22-02. Conditions of approval from UGA-SUB22-02 shall apply to the proposed development. All linking facilities have been constructed with Phase 1. As proposed and conditioned, the tentative subdivision plan is designed to accommodate required on-site and off-site improvements, meeting the standards in SRC Chapter 200.

- ***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 "Street A" and easements required for public access and utilities on the site. There is an existing 22-foot-wide emergency vehicle access easement that was platted on Lot 48 with the Misty Meadows subdivision. With dedication and construction of a new public street through the property, the emergency vehicle access will no longer be needed. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

Condition: Prior to final plat, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

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 SRC Chapter 71 which requires the development to provide flow control and water quality treatment through the use of green stormwater infrastructure. The applicant provided a preliminary stormwater memorandum which describes that the existing facility, constructed with Phase 1 of the subdivision, is adequate to serve the additional lots created through this application. Modifications to the existing stormwater facility are necessary to ensure the existing facility can provide adequate flow control for the additional impervious surfaces, according to the memorandum.

To demonstrate the proposed lots 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 building envelopes and tentative location of stormwater facilities. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed lots within the subdivision and for the new streets and accessways.

Condition: Prior to final plat approval, 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: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct any additional necessary 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.

SRC Chapter 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 which was constructed with Phase 1 of Misty Meadows (UGA-SUB22-02) and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan.

▪ Easements:

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. There is an existing platted Storm Drainage and

Sanitary Sewer Easement to the City of Salem shown on the applicant's tentative plan. This easement contains existing City infrastructure and is required to remain on the plat.

Condition: Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

SRC Chapter 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 subdivision applications.

Finding: Michigan City Lane NW abuts the subject property and is classified as a collector street according to the Salem Transportation System Plan (TSP). A half-street improvement along Michigan City Lane NW was constructed to collector street standards established in SRC 803.025 along the frontage of the subject property with the initial development of the Misty Meadows Subdivision; therefore, additional improvements along Michigan City Lane NW are not required for the proposed development.

Tina Avenue NW abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). Tina Avenue NW was constructed to local street standards established in SRC 803.025 along the frontage of the subject property with the initial development of the Misty Meadows Subdivision; therefore, additional improvements along Tina Avenue NW are not required for the proposed development.

▪ *Street Standards – New Internal Streets:*

All new public and private streets shall be improved pursuant to the standards outlined in SRC 803.030 and 803.035.

Finding: The applicant's tentative plan shows a new unnamed internal local street (Street A) to be constructed along the western boundary of the subject property. The applicant is seeking Alternative Street Standards for Street A to reduce the overall right-of-way width requirement for a local street from 60 feet to 52 feet. Planter strips on both sides of Street A will be reduced in width from eight feet to approximately 4 feet and 5.5 feet. Sidewalks will have a minimum width of five feet and will be located at the property line as required by SRC Chapter 803.

A three-quarter improvement will be required for Street A as a condition of approval with this development. Street A is designed to have an interim right-of-way width of 33.5 feet

and 22-foot improvement width to allow for two-way travel, a four-foot planter strip and five-foot wide sidewalk located at the property line. A 22-foot improvement width is not enough to accommodate on-street parking. No parking signs will be required along both sides of Street A until the ultimate width of the street is increased to 30 feet. Pursuant to SRC 803.065(a)(1), an Alternative Street Standard is approved to allow the reduced right-of-way width and pavement which will provide adequate two-way travel as an interim measure until such time the street is widened upon development on adjacent property.

At the time of development for abutting property to the west, the remaining portions of Street A will be complete, including dedication of an additional 18.5 feet of right-of-way for a total width of 52-feet and eight feet of additional paved width. Property line sidewalk and a planter strip with street trees will also be required.

Condition: Prior to final plat, dedicate a 33.5-foot-wide right-of-way for proposed Street A within the subject property as shown on the applicant's tentative plan.

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct Street A to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803, with the following exception: a minimum 22-foot interim travel lane shall be required.

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), "No Parking" signs shall be installed along both sides of Street A.

▪ ***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: Condition 6 from SUB-UGA22-02 requires street trees to be planted to the along the frontages (Michigan City Lane NW and Tina Avenue NW) of the subject property (Lot 48). In addition, street trees shall be installed to the maximum extent feasible along the frontage of Street A.

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), install street trees to the maximum extent feasible along Street A.

▪ ***Public Utility Easements:***

SRC 803.035(n) requires dedication of a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

Finding: A 10-foot-wide PUE was dedicated with the Misty Meadows Subdivision along the Michigan City Lane NW and Tina Avenue NW frontages of the subject property (Lot 48). As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the frontage of Street A.

Condition: Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Street A on the final plat.

SRC Chapter 804 – Driveway Approaches

Pursuant to SRC 804.030(b)(1) driveway approaches shall only serve approved vehicle parking or use areas.

Finding: Two existing driveways providing emergency vehicle access were constructed along Michigan City Lane NW and Tina Avenue NW. Development of Street A will provide required emergency vehicle access to the Misty Meadows subdivision. As such, these approaches will no longer be necessary or serve a vehicle use area. The emergency vehicle access, including the driveways to Michigan City Lane NW and Tina Avenue NW shall be permanently closed as a condition of approval.

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), existing emergency vehicle driveways to Michigan City Lane NW and Tina Avenue NW shall be permanently closed.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

SRC Chapter 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 Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 805 – Vision Clearance (if applicable)

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: The applicant's tentative plan identifies a private alley which has a driveway connection to Street A, this private alley will be the primary vehicle access point for each of the proposed lots. No direct driveway accesses will be allowed to Michigan City

Lane NW, Tina Avenue NW, or Street A for any future homes within this subdivision. The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

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 wetland areas 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), 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. A Geological Assessment, prepared by GEO Consultants Northwest and dated May 14, 2021, was submitted to the City of Salem with the initial subdivision application for the Misty Meadows subdivision (SUB-UGA22-02). This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.

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 subdivision, subject to the conditions of approval established in this decision. This approval criterion is met.

SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Finding: As described in the findings above, the subject property is located adjacent to Michigan City Lane NW, which is classified as a collector street under the City's

Transportation System Plan (TSP). As a condition of approval for SUB-UGA22-02, right-of-way dedication and half-street improvements were required along the frontage of Michigan City Lane NW, including the subject property. Tina Avenue NW abuts the subject property to the south and is designated as a local street under the TSP. Tina Avenue NW was fully constructed to local street standards with SUB-UGA22-02.

No further improvements are required along Michigan City Lane NW or Tina Avenue NW.

SRC 205.010(d)(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.

Finding: Access to the proposed subdivision will be provided by the network of existing public streets that surround the property. As shown on the tentative subdivision plan, a new internal street is extended along the western boundary of the site to provide access to the proposed lots within the subdivision. As conditioned, the required improvements will ensure that the street system in and adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This criterion is met.

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.

Finding: As found in SUB-UGA22-02, the subject property is not served by a park. The nearest park is Ellen Lane Park, an undeveloped neighborhood park, approximately 0.6 miles southwest of the subject property. As described in the findings below, a Parks Temporary Access Fee is required to allow for future parks acquisition. No additional improvements are required. This criterion is met.

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.

Finding: The proposed 16-lot subdivision generates less than 1,000 average daily vehicle trips to the collector street system. Therefore, a TIA is not required as part of the proposed subdivision submittal per SRC 803.015(b)(1).

SRC 205.010(d)(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.

Finding: 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. The subject property is located outside of the Urban Service Area; development of the subject property requires an Urban Growth Preliminary Declaration. A UGA has been previously approved for development of the Misty Meadows Subdivision (SUB-UGA22-02), which includes the subject property. As previously required per SUB-UGA22-02, and as proposed and condition with this application, the tentative subdivision plan is designed to accommodate required on-site and off-site improvements. Analysis for needed Urban Growth Area Improvements are described as follows:

Streets – The subject property fronts Michigan City Lane NW, which is an existing adequate linking street as defined in SRC Chapter 200. Michigan City Lane NW recently received half-street improvements along the frontage of the subject property as conditioned by SUB-UGA22-02. Additional linking street improvements are not required.

Sanitary Sewer – Salem Wastewater Management Master Plan improvements were constructed, and public sewers were extended to adjacent upstream parcels as a condition of SUB-UGA22-02. Additional improvements are not required.

Storm Drainage – As a condition of SUB-UGA22-02, the on-site stormwater system constructed with the Misty Meadows subdivision was required to link to existing storm system facilities located in Michigan City Lane, and are adequate to serve the proposed development. Additional improvements are not required.

Water – The subject property is located in the W-1 water service level. As a condition of SUB-UGA22-02, 12-inch W-1 water mains were constructed in Michigan City Lane NW and Tina Avenue NW and are adequate to serve the proposed development. Additional improvements are not required.

Parks – As identified in SUB-UGA22-02, the subject property is not served by a neighborhood park. There are no neighborhood parks within one-half-mile walking distance of the subject property. Pursuant to SUB-UGA22-02, due to the size of the subject property, the site is not suitable for development of an appropriately sized park. The applicant entered into a Temporary Facilities Access Agreement with the City which establishes that the parks Temporary Access Fee (TAF) will be paid at time of building permit application for each dwelling unit (Polk County Instrument No. 2024-000713). As a condition of approval, the applicant shall be required to pay the parks TAF in accordance with the recorded agreement, prior to issuance of a building permit for each additional building lot.

Condition: Prior to issuance of a Building Permit for residential development within the subdivision, pay a parks temporary access fee as specified in the recorded Temporary Facilities Access Agreement for the subject property (Polk County Instrument No. 2024-000713).

RESPONSE TO PUBLIC COMMENTS

1. **Safety Concerns with Addition Traffic:** Comments received express concerns for safety relating to the added traffic with this development.

Staff Response: The Development Services Division has evaluated the proposal and submitted comments indicating that existing streets in the vicinity have adequate width for two-way vehicle traffic. Improvements to Michigan City Lane NW and Tina Avenue NW were previously complete with the first phase of the Misty Meadows Subdivision. Proposed phase 2 development will result in the extension of a new local street at the western boundary between Michigan City Lane NW and Tina Avenue NW to fill in the gap and provide additional connectivity to the current street network. The City Traffic Engineer has determined that the proposed development does not generate traffic volumes sufficient to require a traffic impact analysis pursuant to SRC 803.015; therefore, off-site mitigation to the existing transportation system is not warranted as a condition of the proposed development.

The Salem TSP provides guidance for how to address the impacts of growth citywide. Cumulative impacts of growth that affect overall traffic patterns are addressed through collection of System Development Charges (SDCs). The development will pay Transportation SDCs that are collected and used to pay for street improvements that add capacity to mitigate impacts of growth.

2. **Public Parks:** Comments received questioned where the City will be providing additional public parks to serve this area of the City.

Staff Response: There are no neighborhood parks within one-half mile walking distance of the proposed subdivision. The nearest neighborhood park is Ellen Lane Park, located approximately 0.6 miles southwest of the subject property. Due to the size of the subject property, the site is not suitable for dedication and development of an appropriately sized park. The applicant is required to pay a Temporary Access Fee in lieu of a park dedication. Temporary Access Fees and System Development Charges are used to acquire and develop future City parks based on the Salem Comprehensive Parks System Master Plan.

3. **Vision Clearance:** Comments received indicate a concern with overgrown vegetation causing a vision obstruction at the northwest corner of the intersection of Michigan City Lane NW and Wallace Road NW.

Staff Response: The northwest corner of the intersection of Michigan City Lane and Wallace Road is outside the jurisdiction of the City of Salem. Safety concerns due to overgrown brush can be reported for maintenance to the Oregon Department of Transportation, District 3 at 503-986-2900, or by submitting concerns through [AskODOT](#).