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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

**SUBDIVISION TENTATIVE PLAN / CLASS 2 ADJUSTMENT / CLASS 2
DRIVEWAY APPROACH PERMIT CASE NO.: SUB-ADJ-DAP23-04**

APPLICATION NO.: 22-119810-PLN

NOTICE OF DECISION DATE: April 10, 2023

SUMMARY: Tentative Subdivision of 25 lots for Toney Estates.

REQUEST: A consolidated application for a proposed 25-lot subdivision with associated site improvements. The application includes:

- (1) A Subdivision Tentative Plan to divide the 5.19-acre property into ~~23~~ 25 lots ranging in size from approximately 4,785 square feet to 13,457 square feet;
- (2) Three Class 2 Adjustments to:
 - (a) Reduce the required lot depth for Lot 9 from 70 feet to approximately 67 feet (SRC 511.010);
 - (b) Reduce the required lot depth of a double frontage lot for Lots 17 and 18 from 120 feet to approximately 111 feet and 114 feet (SRC 511.010); and
 - (c) Allow single family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4)); and
- (3) A Class 2 Driveway Approach permit for the proposed flag lot accessway onto Mildred Lane SE.

The subject property is zoned RA (Residential Agriculture), approximately 5 acres in size, and located in the 1200-1300 Block of Mildred Lane SE (Marion County Assessor Map and Tax Lot Number: 083W14CB / 2400).

APPLICANT: Brandie Dalton, Multi-Tech Engineering, on behalf of Empire Builders of Oregon LLC (James Helton)

LOCATION: 1200-1300 Block of Mildred Lane SE

CRITERIA: Salem Revised Code (SRC) Chapters 205.010(d) – Subdivision Tentative Plan; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit

FINDINGS: The findings are in the attached Decision dated April 10, 2023.

DECISION: The **Planning Administrator APPROVED** Subdivision Tentative Plan, Class 2 Adjustment, and Class 2 Driveway Approach Permit Case No. SUB-ADJ-DAP23-04 subject to SRC Chapters 205, 250, and 804, the applicable standards of the Salem Revised Code, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

Conditions 13, 16, 21, 22, 23, and 27 shall be completed prior to final plat approval or may be delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005

CITY OF Salem
AT YOUR SERVICE

- Condition 1:** The applicant shall provide sprinklers in all buildings, or be limited to providing no more than eight additional units for the 22-lot development on the west side of Waln Creek.
- Condition 2:** Prior to final plat approval, the applicant shall modify the dimensions of Lot 6 to comply with all applicable lot dimension standards, including the minimum 40-foot width at the front building setback line.
- Condition 3:** Lots 11, 12, 13, and 18 shall each construct one additional unit, providing a two-family use for each lot, meeting the minimum of four middle housing dwelling units to be constructed within the subdivision.
- Condition 4:** Any middle housing units constructed within the subdivision shall meet 100-ft setback abutting Waln Creek, measured from the top of bank.
- Condition 5:** The front lot line for proposed Lot 19 shall be designated as the northeastern property line, with the rear yard abutting the single-family property to the south.
- Condition 6:** The front lot line designation for Lot 12 shall be the south property line and the front lot line designation for Lot 22 shall be the north property line, both abutting Stone Court.
- Condition 7:** The front lot line designation for Lot 13 shall be the south property line, abutting the Stone Court street segment.
- Condition 8:** The flag lot accessways located on the west side Waln Creek shall be limited to a maximum of two units to be constructed for a flag lot with a 20-foot-wide accessway.
- Condition 9:** The flag lot accessway serving Lots 23-25 shall be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement, and can serve no more than four units total.
- Condition 10:** “NO PARKING–FIRE LANE” signs shall be posted on both sides of those portions of the flag lot accessways that are fire apparatus roadways and “NO PARKING” signs shall be posted on both sides of any remaining portions of the accessways.
- Condition 11:** Prior to final plat approval, the applicant shall modify the dimensions of Lot 8 to comply with all applicable lot dimension standards for an interior lot, or obtain approval of an adjustment to the minimum allowed flag lots for a subdivision.
- Condition 12:** 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 13:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

- Condition 14:** Along Waln Creek within the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 15:** Prior to final plat approval, the applicant shall adjust the dimensions of Lot 23-25 as necessary to allow adequate building envelopes for the construction of a single family or middle housing units. The lots shall be adjusted such that the buildings can be constructed outside of the channel drainage easement and meeting the appropriate setbacks so that additional zoning adjustments are not warranted.
- Condition 16:** Extend public water, sewer, and storm mains as necessary within internal streets to serve the proposed development in accordance with Public Works Design Standards.
- Condition 17:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 18:** Dedicate easements pursuant to the current width standards in PWDS for the existing public stormwater and sewer mains within the subject property.
- Condition 19:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 20:** Dedicate minimum 50-foot-wide right-of-way for the internal streets within the subject property as shown on the applicant's tentative plan.
- Condition 21:** Construct internal streets to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 22:** Provide a minimum four-foot planting strip to accommodate street trees on the new internal streets within the subdivision.
- Condition 23:** Install street trees to the maximum extent feasible along Mildred Lane SE and all internal streets within the subdivision.
- Condition 24:** All trees on Lots 23 and 24 shall be preserved unless the applicant can provide sufficient evidence the riparian trees meet the criteria for removal, or the applicant can receive approval of a Tree Conservation Plan Adjustment.
- Condition 25:** The applicant shall submit an updated existing conditions plan with an accurate tree inventory, including the critical root zone of all trees, at the time of grading permit review.
- Condition 26:** As a condition of building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

- Condition 27:** Provide a minimum 20-foot public access easement for a Parks Master Plan Trail in an alignment approved by the Director, and dedicate any part of the access easement that is not within city-owned property.
- Condition 28:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.
- Condition 29:** Provide a turn-around off the flag lot accessway to ensure forward in/forward out movement onto Mildred Lane SE.

The rights granted by the attached decision must be exercised, or an extension granted, by April 26, 2025, or this approval shall be null and void.

Application Deemed Complete:	<u>February 17, 2023</u>
Notice of Decision Mailing Date:	<u>April 10, 2023</u>
Decision Effective Date:	<u>April 26, 2023</u>
State Mandate Date:	<u>June 20, 2023</u>

Case Manager: Jamie Donaldson, Planner II, jdonaldson@cityofsalem.net, 503-540-2328

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., TUESDAY, APRIL 25, 2023. 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 Chapter(s) 205, 250, and 804. 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 APPROVAL OF) FINDINGS & ORDER
TENTATIVE SUBDIVISION PLAN,)
CLASS 2 ADJUSTMENT, AND)
CLASS 2 DRIVEWAY APPROACH PERMIT)
CASE NO. SUB-ADJ-DAP23-04)
1200-1300 BLOCK OF MIDLRED LANE SE) APRIL 10, 2023

In the matter of the application for a Tentative Subdivision Plan, Class 2 Adjustment, and Class 2 Driveway Approach Permit, submitted by the applicant, Brandie Dalton with Multi-Tech Engineering, on behalf of the property owner, Empire Builders or Oregon LLC, 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: Tentative Subdivision of 25 lots for Toney Estates.

Request: A consolidated application for a proposed 25-lot subdivision with associated site improvements. The application includes:

- (1) A Subdivision Tentative Plan to divide the 5.19-acre property into 23 25 lots ranging in size from approximately 4,785 square feet to 13,457 square feet;
(2) Three Class 2 Adjustments to:
(a) Reduce the required lot depth for Lot 9 from 70 feet to approximately 67 feet (SRC 511.010);
(b) Reduce the required lot depth of a double frontage lot for Lots 17 and 18 from 120 feet to approximately 111 feet and 114 feet (SRC 511.010); and
(c) Allow single family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4)); and
(3) A Class 2 Driveway Approach permit for the proposed flag lot accessway onto Mildred Lane SE.

The subject property is zoned RA (Residential Agriculture), approximately 5 acres in size, and located in the 1200-1300 Block of Mildred Lane SE (Marion County Assessor Map and Tax Lot Number: 083W14CB / 2400).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (Attachment A).

PROCEDURAL FINDINGS

1. Background

On September 29, 2022, a consolidated application for a Class 3 Site Plan Review and two Class 2 Adjustments was filed for the proposed development. After additional information was provided, including the application for a Class 2 Driveway Approach Permit and an additional adjustment request, the applications were deemed complete

for processing at the request of the applicant on February 6, 2023. The 120-day State mandated deadline was extended at the request of the applicant by 14 days to June 20, 2023.

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 tentative subdivision plan approval to divide property totaling 5.19 acres in size and located at the 1200-1300 block of Mildred Lane SE into 25 residential lots ranging in size from 4,785 to 13,457 square feet. In addition to the proposed tentative subdivision, the application also includes three Class 2 Adjustments to reduce the minimum lot depth requirements for proposed Lot 9, and two double frontage lots, Lot 17 and 18, and a request to allow single family dwellings as part of the subdivision to take access from a Minor Arterial Street (Mildred Lane SE); along with a Class 2 Driveway Approach Permit for the proposed flag lot accessway onto Mildred Lane SE.

In addition to the 25 residential lots, one lot along Waln Creek to the north is proposed to be a stormwater detention lot for the purpose of providing stormwater management facilities. Flairstone Drive SE is stubbed to the subject property at the southwest portion and provides the only vehicular access to the subdivision.

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: 22 119810.

4. Existing Conditions

Site and Vicinity

The subject property is located in the 1200-1300 block of Mildred Lane SE, is 5.19 acres in size, and has frontage on Mildred Lane SE, with access from Flairstone Drive SE. Mildred Lane is designated as a minor arterial street under the City's Transportation System Plan (TSP) and Flairstone Drive is designated as a local street. Waln Creek also passes along the north boundary and through the subject property, bisecting it from the northwest to the southeast.

Salem Area Comprehensive Plan (SACP) Designation

Comprehensive Plan Map: The subject property is designated “Single Family Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Single Family Residential
South	Single Family Residential; and Across Mildred Ln SE, Single Family Residential
East	Industrial Commercial
West	Single Family Residential

Zoning Map Designation

The subject property is split-zoned with the majority of the southern portion of the property zoned RA (Residential Agriculture), and a small northern portion of the property zoned RS (Single Family Residential). The surrounding properties are zoned as follows:

Zoning of Surrounding Properties	
North	RS (Single Family Residential)
South	RS (Single Family Residential); and Across Mildred Ln SE, Single RA (Residential Agriculture)
East	IC (Industrial Commercial)
West	RS (Single Family Residential)

Relationship to Urban Service Area

The subject property lies outside the City’s Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development. A request for an Urban Growth Preliminary Declaration is included with the proposal.

Infrastructure

Water: The subject property is located in the S-2 water service level.

An 8-inch water main is located in Flairstone Drive SE.

A 16-inch water main is located in Mildred Lane SE.

Sewer: An 8-inch sewer main is located in Flairstone Drive SE, approximately 100-feet south of the subject property.

A 10-inch storm main is located in Mildred Lane SE.

A 21-inch sewer main is located on the subject property in an easement.

Storm

Drainage: A 10-inch storm main is located in Flairstone Drive SE, approximately 100-feet south of the subject property.

A 24-inch storm main is located on the subject property in an easement.

Streets: Mildred Lane SE:

- a. Standard – This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions – This street has an approximate 34-foot improvement within a 72-foot-wide right-of-way abutting the subject property.

Flairstone Drive SE:

- a. Standard – This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 50-foot-wide right-of-way for dead end streets.
- b. Existing Conditions – This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Parks: The proposed development is served by Wiltsey Road Park, approximately 0.40 miles south of the subject property.

5. Land Use History

- **PAR19-11:** A tentative partition to divide approximately 7.56 acres into three parcels, with parcel 1 consisting of 5.21 acres, parcel 2 consisting of 0.67 acres, and parcel 3 consisting of 1.77 acres. The subject land area is approximately 7.56 acres in size, split-zoned IC (Industrial Commercial), RS (Single Family Residential), and RA (Residential Agriculture), and located at 5611 Woodside Drive SE (Marion County Assessor Map and Tax Lot Numbers: 083W14CB / 02301, 02400, 02401, 02500, and 02501).

- **VAR-DAP21-01:** An appeal of the March 16, 2021 Hearings Officer Decision for Variance and Class 2 Driveway Approach Permit applications to allow a driveway approach onto Mildred Lane SE, classified a Minor Arterial Street on the Salem Transportation System Plan, where a driveway is not allowed pursuant to SRC 804.035, for a single-family residential use, for property approximately 7.56 acres in size, split-zoned RA (Residential Agriculture), RS (Single-Family Residential) and IC (Industrial Commercial) and located at 1355 Mildred Lane SE - 97306 (Marion County Assessor Map and Tax Lot Numbers: 083W14CB / 2301, 2400, 2401, 2500, and 2501).
 - Decision denied by the Hearing Officer and upheld by the Planning Commission.

6. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association.

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), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On July 13, 2022, the applicant's representative contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

Neighborhood Association Comment: Notice of the application was provided to the South Gateway Neighborhood Association 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. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: 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. As of the date of completion of this staff report, two comments have been received from surrounding property owners and tenants indicating no objections to the proposal, but also expressing concerns over items in the proposal. Comments received from ten individuals indicating concerns or objection to the proposal are summarized below.

- **Traffic and Street Connectivity:** Comments received expressed concerns for the additional traffic that would be generated by the development, where only one access to the subdivision is proposed, through Flairstone Drive SE. Additional access points to the subdivision were requested.

Staff Response: Two existing accesses onto Mildred Lane SE are provided to serve the development, one on Flairstone Drive SE and the other through Marstone

Court SE, which connects Flairstone Drive SE to Mildred Lane SE. The subdivision proposal will extend Flairstone Drive SE and dead-end in a cul-de-sac. The City and the developer looked at different options to provide access to this site but, ultimately, crossing Waln Creek with a bridge was not economically feasible. An additional street connection to Woodside Drive SE is not possible because this developer does not control the property that connects to the street. Additionally, the street connection is too close to the intersection with Mildred Lane SE and would cause safety and operational issues. Rosebrooke Court SE is a completed cul-de-sac and was never intended to be extended to the south because of the issues with constructing a bridge over Waln Creek.

The Salem Fire Department addresses emergency service access by restricting the number of units allowed on cul-de-sac streets, or by requiring mitigation measures through fire sprinklers, for example. The City of Salem standard for a local street is a 30-foot-wide paved surface, which can adequately serve this development and all emergency service vehicles.

- **Flag Lot Accessway onto Mildred**: Comments received expressed concerns for the additional access point onto Mildred Lane SE to serve three proposed lots on a single, common, shared accessway.

Staff Response: Access over Waln Creek to serve this portion of the property would require tree and vegetation removal, which will disturb the existing stormwater flow and habitat. Staff has recommended a turnaround be provided to ensure forward in and forward out movements onto Mildred Lane SE.

- **Drainage and Flooding**: Comments received expressed concerns for flooding along Waln Creek.

Staff Response: As described above, the Federal Emergency Management Agency adopted Flood Insurance Study and Flood Insurance Rate Maps for the City of Salem show no regulatory floodplain or floodway areas mapped on the subject property. However, the City has prepared Interim Flood Hazard Area maps and base flood elevations that are proposed to be adopted in 2023. Future development permits will require new structures to be constructed to a minimum of one foot above the proposed base flood elevations to limit flood damage pursuant to SRC 601.110(a)(2). In addition, the site is subject to the stormwater management regulations in SRC Chapter 71 and the PWDS. Drainage considerations for each lot will be reviewed and approved prior to development.

- **Two-story homes**: Comments received expressed concern over losing privacy from the construction of two-story homes for adjacent one-story homes.

Staff Response: All development is subject to minimum setbacks and height restrictions with the intent to provide adequate spacing and buffering for neighborhoods. Future development of the lots will be subject to the same minimum requirements for only single-family zones, and will be reviewed for conformance with zoning requirements, including minimum setbacks, maximum height, and minimum tree planting requirements.

- **Support for Affordable Housing or Increased Residential Density:** Comments received indicate that the proposed subdivision does not go far enough to address housing affordability an accessibility and that multi-family residential development should be required for this property.

Staff Response: The subject property is currently zoned RA (Residential Agriculture) and will change to RS (Single Family Residential) upon recording of a final subdivision plat. The RA and RS zones do not permit multi-family residential uses. While the community needs more diverse housing options, including multi-family residential development, the City has to evaluate development requests as designed by the applicant for conformance with approval criteria and development standards. The City cannot require an applicant to develop a use that is not permitted under current zoning regulations. The City is required to allow middle housing (duplex, triplex, quadplex, townhouse and cottage cluster developments) in the RS zone with the passage of House Bill 2001. The proposed lots are of sufficient size to each allow a duplex, at a minimum. The developer or future builder has the option of building middle housing if they so choose. In addition, a subdivision of this size is required to provide a minimum amount of middle housing development, as conditioned later in this report.

7. City Department Comments

Public Works Department: Reviewed the proposal and provided a memo which is included as **Attachment C**.

Building and Safety: Reviewed the proposal and indicated no site concerns.

Fire Department: Reviewed the proposal and indicated that Fire Department access appears to be provided from the public streets. Fire Department water supply will be evaluated with the building addition at the time of building permit plan review. Fire Department requires two means of access or fire sprinklers in the buildings to serve more than 30 dwelling units.

Staff Response: In order to ensure conformance with the applicable requirements of the Fire Code since the development is served by one access, the following condition of approval is recommended:

Condition 1: The applicant shall provide sprinklers in all buildings, or be limited to providing no more than eight additional units for the 22-lot development on the west side of Waln Creek.

8. Public Agency Comments

Salem Keizer School District: Reviewed the proposal and provided comments which are included as **Attachment D**.

DECISION CRITERIA FINDNGS

9. Analysis of Subdivision Tentative 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 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.

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 RA (Residential Agriculture) and RS (Single Family Residential).

Pursuant to SRC 265.015, any land that is zoned RA (Residential Agriculture) that is subject to a subdivision approval shall automatically be rezoned to RS (Single Family Residential) on the date the subdivision plat is recorded. Because portions of the subject property are zoned RA, the provisions of SRC 265.015(a)(2) are applicable to the proposal and therefore the RA zoned portions of the property will be automatically rezoned to RS upon the future recoding of the final subdivision plat.

Because the zoning of the RA zoned portions of the property will be changed to RS with the recording of the final subdivision plat, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the future zoning of the property being entirely RS.

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 subdivision process reviews development for compliance with City standards and requirements contained in the UDC, Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. The applicant has met all application submittal requirements necessary for adequate review of the proposed subdivision.

The Public Works Department indicates the applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property

appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant’s project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

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. 4,000 sq. ft.	Applicable to single family and 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. 40 ft.	
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. 40 ft.	
	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.

Finding: As shown on the tentative subdivision plan (**Attachment B**), the lot sizes of the proposed 25 lots within the subdivision range from 4,785 square feet to 13,457 square feet; therefore, exceeding the minimum lot area standards of the RS zone.

All of the proposed lots within the subdivision, with the exception of proposed Lots 9, 17 and 18, also similarly exceed the lot dimension and street frontage standards of the RS zone.

Proposed Lot 9 is a shorter lot at the end of the cul-de-sac which abuts Waln Creek and the proposed stormwater detention lot to the north. Because this lot does not conform to minimum allowed lot depth exclusive of the stormwater detention easement, the applicant has requested a Class 2 Adjustment to reduce the minimum lot depth requirement from 70 feet to 67 feet. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the applicable approval criteria are included under Section 10 of this decision.

Proposed Lots 17 and 18 are double frontage lots with street frontage on both the proposed Stone Court and Mildred Lan SE. The depth of Lot 17 is approximately 111 feet, and the depth of Lot 18 is approximately 114 feet, both of which not meet the minimum 120-foot double frontage lot depth standard. Because these lots do not conform to the minimum required double frontage lot depth, the applicant has requested a Class 2 Adjustment to this standard to allow the lots to have a depth less than 120 feet. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the applicable approval criteria are included under Section 10 of this decision.

Proposed Lot 6 meets the minimum 30 feet of street frontage for a lot fronting on the turnaround of a cul-de-sac street; however, it does not meet the minimum street frontage requirement of 40 feet at the front building setback line. As such, the following condition applies:

Condition 2: Prior to final plat approval, the applicant shall modify the dimensions of Lot 6 to comply with all applicable lot dimension standards, including the minimum 40-foot width at the front building setback line.

As proposed and conditioned, and as otherwise approved through the Class 2 Adjustments, the lots within the subdivision are of sufficient size and dimension to permit future development of uses allowed within the RS zone.

▪ **Density:**

Dwelling unit density for subdivisions within the RS zone are established under SRC 511.010(c)(1). A site that is at least five acres in size and is subdivided shall comply with the standards of this subsection.

Finding: The subject property is just over five acres in size and is subject to the density standards under SRC 511.010(c). SRC 511.010(c)(3) provides that undeveloped riparian corridors and stormwater facilities may be excluded from the total site area for the purposes of calculating minimum density. The undevelopable area of riparian corridor that bisects the property is approximately 9,700 square feet (.22 acres), and the lot dedicated for stormwater facilities is 22,295 square feet (.51 acres), leaving 4.46 acres of the property subject to the minimum density requirement. At 5.5 dwelling units per acre for a property 4.46 acres in size, the 25-

lot subdivision meets the minimum density requirement of 25 units (5.5 x 4.46 = 24.53) by providing 25 single-family lots.

In addition, SRC 511.010(c)(1)(B) requires at least 15 percent of the dwelling units that will be constructed on the lots shall be middle housing, requiring a minimum of four additional middle housing dwelling units to be constructed with the subdivision (25 x .15 = 3.75). Based on the sizes of the proposed lots and the relative locations to Waln Creek, the middle housing requirement shall be satisfied as follows:

Condition 3: Lots 11, 12, 13, and 18 shall each construct one additional unit, providing a two-family use for each lot, meeting the minimum of four middle housing dwelling units to be constructed within the subdivision.

▪ **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.
Interior Front	Min. 12 ft.	
Interior Side	Min. 5 ft.	
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.
Abutting Waterway	Min.100 ft	Applicable to two family, three family, four family uses, and cottage clusters.

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.

Finding: 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 generally not applicable. However, because the addition of middle housing units is conditioned as part of this decision, and several lots within the subdivision abut Waln Creek, the following condition applies to ensure conformance at the time of development:

Condition 4: Any middle housing units constructed within the subdivision shall meet 100-ft setback abutting Waln Creek, measured from the top of bank.

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 public street, other than corner lots and double frontage lots, the front lot line shall be the property line that has frontage on the public street. For corner lots and double frontage lots, the front lot line shall be the property line abutting the street designated by the building permit applicant, provided that lot dimension standards are met. For flag lots, the front property line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan.

Finding: There are three double frontage lot, five flag lots, and three corner lots proposed within the subdivision.

Proposed Lots 17 and 18 are double frontage lots, which shall not be granted access from Mildred Lane SE, a Minor Arterial Street. The front lot line for proposed Lots 17 and 18 shall be the northwest lot line facing Stone Court.

Lots 10 and 13 are flag lots. Based on the dimensions of these lots and the front lot line designation requirements for flag lots under SRC 800.020(a)(4), the west property lines of both Lots 10 and 13 will be required to be designated as the front in order to ensure minimum lot width and depth requirements are met.

Proposed Lots 8 and 19 are flag lots located on the west side of Waln Creek that take access from a flag lot accessway. Even though Lot 19 has partial frontage along a second street, it is considered a flag lot and shall take access from the flag lot accessway. Lots 23-25 are also flag lots, served by a shared flag lot accessway with access onto Mildred Lane SE. For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot. The front lot line for proposed Lot 19 shall be designated as the northeastern property line, with the rear yard abutting the single-family property to the south.

Condition 5: The front lot line for proposed Lot 19 shall be designated as the northeastern property line, with the rear yard abutting the single-family property to the south.

Lots 12 and 22 are corner lots with frontage on two streets, and Lot 13 is a corner lot with frontage on a street and cul-de-sac. All three corner lots do not meet the minimum depth and width for both street frontages. Therefore, in order to ensure that these two proposed lots meet the minimum lot dimension requirements of the

RS zones, the following conditions apply for the designation of the front property lines:

Condition 6: The front lot line designation for Lot 12 shall be the south property line and the front lot line designation for Lot 22 shall be the north property line, both abutting Stone Court.

Condition 7: The front lot line designation for Lot 13 shall be the south property line, abutting the Stone Court street segment.

▪ **Flag Lots.**

SRC 800.025 establishes standards for flag lots and the flag lot accessways that serve them. SRC 800.025(c) establishes the following standards for the development of flag lot accessways:

Flag Lot Accessway Standards (Residential Zones)		
	1 to 2 Units Served by Accessway	3 to 4 Units Served by Accessway
Length	150 ft. Max.	400 ft. Max.
Width	Min. 20 ft.	25 ft. Min.
Paved Width	Min. 15 ft.	20 ft. Min.
Parking	Not Allowed	Not Allowed
Turnaround	Required for flag lot accessways greater than 150 feet in length. <i>(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)</i>	
Maximum Number of Lots Served	A maximum of four units may be served by a flag lot accessway.	

Finding: As shown on the tentative subdivision plan, two lots (Lots 8 and 19) on the west side of Waln Creek are flag lots. The two lots are served by their own separate flag lot accessways meeting the minimum width of 20 feet. Because there is a greater minimum width required for flag lot accessways serving more than two units, each of these lots are limited to a maximum of two units to be constructed on the lots with the accessway provided. Because the addition of middle housing units is conditioned as part of this decision, following condition applies to ensure conformance at the time of development:

Condition 8: The flag lot accessways located on the west side Waln Creek shall be limited to a maximum of two units to be constructed for a flag lot with a 20-foot-wide accessway.

The three lots (Lots 23-25) on the east side of Waln Creek are flag lots served by a single flag lot accessway. Because the proposed flag lot accessway will serve a total of three lots, the accessway must be improved to a minimum width of 20 feet within a 25-foot-wide easement, not to exceed a maximum length of 400 feet.

In order to ensure the proposed flag lot accessways are developed in conformance with the applicable standards of SRC 800.025(c), the following conditions of approval shall apply:

Condition 9: The flag lot accessway serving Lots 23-25 shall be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement, and can serve no more than four units total.

Condition 10: “NO PARKING–FIRE LANE” signs shall be posted on both sides of those portions of the flag lot accessways that are fire apparatus roadways and “NO PARKING” signs shall be posted on both sides of any remaining portions of the accessways.

SRC 800.025(e) limits the maximum number of flag lots allowed within a subdivision to 15 percent. Based on the 25 developable lots proposed within the subdivision, a maximum of four flag lots are allowed ($25 \times 0.15 = 3.75$). As shown on the tentative subdivision plan, the proposed subdivision will include a total of five flag lots and therefore does not meet the maximum flag lot limit established under SRC 800.025(e). Since the applicant needs to modify the dimensions of Lot 6, Lot 8 shall also be modified so that it meets the minimum 30-foot street frontage applicable to lots fronting on the turnaround of a cul-de-sac, thereby meeting the maximum allowed number of flag lots for the subdivision.

Condition 11: Prior to final plat approval, the applicant shall modify the dimensions of Lot 8 to comply with all applicable lot dimension standards for an interior lot, or obtain approval of an adjustment to the maximum allowed flag lots for a subdivision.

(B) City infrastructure standards.

The Public Works Department 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 necessary 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.

Finding: The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. A summary of the existing and required City infrastructure improvements are as follows:

SRC Chapter 71 – Stormwater

The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) adopted in Administrative Rule 109, Division 004. These requirements limit runoff from the development to levels not exceeding pre-existing conditions.

Finding: The Public Works Department indicates that existing stormwater facilities in the area include a 10-inch storm main located in Flairstone Drive SE, approximately 100-feet south of the subject property, and a 21-inch storm main located in an easement on the subject property.

The applicant submitted a tentative stormwater report, however; the proposed design does not comply with SRC Chapter 71 and PWDS. Access for maintenance of the public stormwater facility and the flow control structure has not been provided. In addition, the proposed stormwater facility does not appear to meet minimum setback requirements to Waln Creek. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, an Engineering Method Report, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

In order to ensure the proposed development can be served by storm water facilities in compliance with SRC Chapter 71 and the PWDS, the following conditions of approval shall apply:

- Condition 12:** 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 13:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

A portion of Waln Creek runs through the subject property. Pursuant to PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater. The applicant's tentative site plan shows new structures within the required easement area on Lots 23 through 25. New structures will not be permitted within this easement area. In order to ensure compliance with this standard, the following conditions of approval apply:

- Condition 14:** Along Waln Creek within the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

Condition 15: Prior to final plat approval, the applicant shall adjust the dimensions of Lot 23-25 as necessary to allow adequate building envelopes for the construction of a single family or middle housing units. The lots shall be adjusted such that the buildings can be constructed outside of the channel drainage easement and meeting the appropriate setbacks so that additional zoning adjustments are not warranted.

SRC Chapter 802 – Public Improvements

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). Specifications for required public improvements are found in the comments provided by the Public Works Department (**Attachment D**).

Finding: In summary, the Public Works Department indicates that the subject property is located inside the City's Urban Service Area and adequate facilities are available. Water, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's tentative plan. However, the applicant shall extend public water, sewer, and storm mains as necessary within internal streets to serve the proposed development in accordance with Public Works Design Standards.

The Public Works Department indicates that the subject property is currently served by the following existing water and sewer facilities:

Water: The subject property is located within the G-0 water service level. An 8-inch water main is located in Hearth Street NE.

Sewer: A 10-inch sewer main is located in Hearth Street NE.

Private water, sewer, and storm services shall be constructed to serve each lot. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. There are existing public sewer and stormwater mains on the site within easements. The applicant shall dedicate additional easement width that meet current PWDS widths for the public mains on-site. In order to ensure that required City infrastructure is provided to serve the proposed subdivision in conformance with the requirements of SRC Chapter 802, the following conditions of approval shall apply:

Condition 16: Extend public water, sewer, and storm mains as necessary within internal streets to serve the proposed development in accordance with Public Works Design Standards.

Condition 17: All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

Condition 18: Dedicate easements pursuant to the current width standards in PWDS for the existing public stormwater and sewer mains within the subject property.

As conditioned, the proposed subdivision conforms to the public improvement standards of SRC Chapter 802.

SRC Chapter 803 – Street and Right-of-Way Improvements

The subject property has frontage on Mildred Lane SE to the southeast, and Flairstone Drive SE by a stubbed street to the southwest property line.

Finding: Mildred Lane is designed as a Minor Arterial Street under the City's Transportation System Plan (TSP). The standard for this classification of street is a 46-foot-wide improvement within a 72-foot-wide right-of-way. The Public Works Department indicates that Mildred Lane currently has an approximate 34-foot to 46-foot-wide improvement within a 72-foot-wide right-of-way abutting the subject property. The Public Works Department explains that Mildred Lane was constructed by the City to its current standard and is considered a complete street; therefore, no additional improvements are required.

A 10-foot-wide public utility easement was dedicated along the street frontage of Mildred Lane SE as part of PAR19-11, which is shown on the tentative plan. A 10-foot-wide public utility easement is required along the street frontage of all internal streets pursuant to SRC 803.035(n).

Condition 19: Dedicate a 10-foot public utility easement along the street frontage of all internal streets.

Flairstone Drive SE is designated as a local street under the City's TSP. The standard for this classification of street is a 30-foot-wide improvement within a 50-foot-wide right-of-way for dead end streets. The Public Works Department indicates that Flairstone Drive currently has an approximate 30-foot-wide improvement within a 60-foot-wide right-of-way abutting the subject property.

The applicant's site plan shows new internal streets to be constructed within the subdivision. The applicant's tentative plan shows a 30-foot paved surface within a 50-foot right-of-way, which is allowed for cul-de-sac streets per SRC Chapter 803. However, the design of the streets does not meet PWDS for horizontal curves. The applicant shall design and construct the internal streets to meet current PWDS unless a design exception is approved by the City Engineer.

Condition 20: Dedicate minimum 50-foot-wide right-of-way for the internal streets within the subject property as shown on the applicant's tentative plan.

Condition 21: Construct internal streets to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

In addition, a cross section for the proposed internal streets was not provided. PWDS require a minimum four-foot planter strip to accommodate street trees. The applicant shall be required to demonstrate the street design can accommodate the required four-foot planter strip, or provide additional right-of-way width. Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. To ensure street trees along Mildred Lane SE and internal streets will be provided, the following conditions apply:

Condition 22: Provide a minimum four-foot planting strip to accommodate street trees on the new internal streets within the subdivision.

Condition 23: Install street trees to the maximum extent feasible along Mildred Lane SE and all internal streets within the subdivision.

(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: Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that Waln Creek was not analyzed in conjunction with the adopted Flood Insurance Study for the Battle Creek Basin. However, the City has prepared Interim Flood Hazard Area maps and base flood elevations that are proposed to be adopted in 2023. Future development permits will require new structures to be constructed to a minimum of one foot above the proposed base flood elevations to limit flood damage pursuant to SRC 601.110(a)(2).

SRC Chapter 808 – Preservation of Trees and Vegetation

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals 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. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, 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 all of the trees on the property. If less than 30 percent of the existing trees on the property are proposed for preservation, the applicant must demonstrate that there are no reasonable design alternatives that would enable preservation of such trees and that for each tree removed in excess of 70 percent, the mitigation measures required under SRC 808.035(e) are satisfied.

Similarly, if significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

There are existing trees located on the subject property and the riparian corridor of Waln Creek bisects the site. Pursuant to SRC 808.035, the tree conservation plan submitted in conjunction with the subdivision tentative plan identifies a total of 36 trees on the subject property, one of which is a significant tree, and no indication of the number of riparian trees located within the riparian buffer of the Waln Creek. However, the applicant's existing conditions plan submitted with the project showed a number of trees not indicated on the tree conservation plan. The applicant did not provide a statement for the discrepancy on the plans submitted. Staff's count of the trees on site between both site plans indicates a total of 67 trees, five of which were labeled differently on both plans. Of the total 67 trees counted for the site, 42 trees appear to be within the riparian corridor. The applicant's proposed tree conservation plan identifies seven non-significant trees for removal, five of which are riparian trees. The riparian trees located on Lots 23 and 24 do not appear to be located near the building envelopes submitted by the applicant, and the applicant has not provided sufficient evidence that there are no design alternatives to meet the removal criteria. In addition, per Condition 15 above, the applicant is required to modify the dimensions of Lots 23-25 so that the buildings are not located within the channel drainage easement. As such, the following condition applies:

Condition 24: All trees on Lots 23 and 24 shall be preserved unless the applicant can provide sufficient evidence that the riparian trees meet the criteria for removal, or the applicant can receive approval of a Tree Conservation Plan Adjustment.

The applicant has proposed removal of trees on Lot 25 which are neither significant trees nor riparian trees. Due to site constraints of the three lots on the east side of Waln Creek, these trees can be approved for removal. Two other riparian trees are proposed for removal for their location within the sanitary sewer easement and within the stormwater quality facility. The applicant also indicates that there is no native vegetation present within the riparian corridor. Of the 67 trees counted by staff on site, only four trees can be approved for removal at this time, preserving 63 trees, for a preservation rate of 94 percent. However, because of the discrepancy between the plans submitted, the following condition applies to ensure proper preservation of the trees on site:

Condition 25: The applicant shall submit an updated existing conditions plan with an accurate tree inventory, including the critical root zone of all trees, at the time of grading permit review.

The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy. Any proposed future changes to the approved tree conservation plan will require approval of a separate tree conservation plan adjustment.

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 channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

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 mapped 2-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report. A Geological Assessment, prepared by Redmond Geotechnical Services and dated May 19, 2020, was submitted to the City of Salem with the subdivision application. This assessment/demonstrates the subject property could be developed by implementing the mitigation measures provided in the report. In order to ensure that development of the property conforms to the requirements of SRC Chapter 810, the following condition shall be completed as a condition of future lot development as specified in Dwelling Permit review approvals for each lot:

Condition 26: As a condition of building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

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 lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the RS (Single Family Residential) zone SRC Chapter 511. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties.

As conditioned, the proposal meets this criterion.

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

Finding: The Public Works Department 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: The Public Works Department indicates that Mildred Lane was constructed by the City to its current standard and is considered a complete street; therefore, no additional improvements are required. Flairstone Drive meets the standard for a local street as designated in the Salem TSP. The applicant's site plan shows new internal streets to be constructed within the subdivision, with conditions imposed to provide adequate street trees and a design in conformance with the provisions of SRC Chapter 803. As described and conditioned in the findings, this approval criterion is met.

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, an internal street is extended through the site to provide safe and convenient access to the proposed lots within the subdivision, and the proposed street is extended to the boundary of the property to provide opportunities for future street connectivity to abutting properties.

These 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: The subject property is located within one-half mile of Sunnyside Garden Neighborhood Park, Wiltsey Road Park, and shopping areas on Commercial Street SE to the east. The nearest transit service available to the site is provided by Cherriots Route 6 (Fairview Industrial) along the Mildred Lane frontage of the property with a stop located approximately 30 feet to the south of the property adjacent to the intersection of Mildred Lane and Marstone Court SE. Transit service is also available along Commercial Street via Route 21 (South Commercial).

The subject property is served by Wiltsey Road Park, which is a park site located south, and within a half-mile of, the subject property. Access to the park is available through the existing transportation system.

In order to promote bicycle and pedestrian access and connectivity between parks, the *Salem Comprehensive Park System Master Plan* includes a proposed trail through the subject property along Waln Creek. Pursuant to SRC 800.065(a)(4), a public access easement shall be dedicated or provided for future construction of the trail as a condition of the proposed land division. In order to accommodate the proposed trail, a minimum 20-foot public access easement is required in an alignment approved by the Public Works Director. The Public Works Department indicates that the easement may be over existing easements for public utilities on the site along the creek. A portion of the trail is proposed within the stormwater facility parcel, which may be owned by the City in the future. The required easement is not necessary within the City-owned stormwater parcel, as long as the property is owned by the City and the applicant demonstrates there is room for a trail within the parcel. The trail is required to be above the Ordinary High Water Mark and shall be a minimum 8-feet in width. In order to ensure that the proposed subdivision provides for safe and convenient bicycle and pedestrian access from within the subdivision to adjacent activity centers, including parks, the following condition applies:

Condition 27: Provide a minimum 20-foot public access easement for a Parks Master Plan Trail in an alignment approved by the Director, and dedicate any part of the access easement that is not within city-owned property.

SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

Finding: The Public Works Department reviewed the proposal and determined the proposed 25-lot subdivision takes access onto a local street and an arterial street. The 25-lot subdivision generates 255 Average Daily Trips, which is marginally over the 200-trip threshold for local streets and well under the 1,000-trip threshold for arterial streets. In addition, the Assistant City Traffic Engineer has reviewed the proposed development and determined the existing street system is adequate to accommodate the traffic generated by the development. Because the number of trips estimated to be generated by the proposed subdivision fall below the minimum threshold to require a transportation impact analysis (TIA), a TIA is not required in conjunction with the proposed subdivision and this approval criterion is therefore not applicable.

SRC 205.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

The configuration of lots on the subject property makes logical use of developable land. As described and conditioned in the findings, the lot configuration proposed by the applicant meets applicable development standards, minimizing the need for any variances. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. As conditioned, the layout allows for reasonable development of all lots within the subdivision without variances from the UDC. The proposal meets this criterion.

SRC 205.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Finding: The tentative subdivision plan configures lots and streets to allow for residential development of the site while minimizing disruptions to topography, as conditioned. The City's tree preservation standards require that a minimum of 30 percent of existing trees with a diameter at breast height (dbh) of 10 inches or more be preserved. Of the 67 trees counted by staff, only four trees can be approved for removal with this request, for a preservation rate of 94 percent. The proposal meets this criterion.

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: The subject property lies within the City's Urban Service Area. Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located inside the Urban Service Area are not required to obtain an Urban Growth Preliminary Declaration. This approval criterion is therefore not applicable to the proposed development.

10. 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, 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 three Class 2 Adjustments to:

- 1) Reduce the required lot depth for Lot 9 from 70 feet to approximately 67 feet (SRC 511.010);
- 2) Reduce the required lot depth of a double frontage lot for Lots 17 and 18 from 120 feet to approximately 111 feet and 114 feet (SRC 511.010); and
- 3) Allow single family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4)).

Reduce the minimum required lot depth for Lot 9 from 70 feet to approximately 67 feet, per SRC 511.010:

The applicant has requested a reduction to the required lot depth for Lot 9 due to its proximity to the stormwater facilities and sanitary sewer easement. The applicant indicates that the lot depth of Lot 9 is approximately 67 feet exclusive of the sewer easement. While lot standards are required to be met exclusive of flag lot accessways or easements, Lot 9 abuts an easement to a sanitary sewer, and not a flag lot. The applicant's plans also indicate a vehicle access easement for the stormwater facilities that takes access from the Stone Court cul-de-sac, between Lots 11 and 14, and through Lot 10, but does not affect any lot standards for Lot 9. Future development of Lot 9 will be prohibited from developing within any easement on the lot, but are not required to provide the minimum setback from the easement line; therefore, Lot 9 meets the minimum lot standards for width, depth, and lot size in the RS zone. This standard is met.

Reduce the required lot depth of a double frontage lot for Lots 17 and 18 from 120 feet to approximately 111 feet and 114 feet, per SRC 511.010:

Within the RS (Single Family Residential) zone, double frontage lots which have frontage on two streets that do not intersect at the lots boundaries are required to have a minimum lot depth of 120 feet pursuant to SRC 511.010(a), Table 511-2. The underlying purpose of this standard is to ensure that lots that have street frontage adjacent to both their front and rear property lines have an increased lot depth to provide potential for additional privacy and separation from the street, which is of greater importance for lots abutting collector and arterial streets which convey greater levels of traffic.

Lots 17 and 18 are double frontage lots which range from 111 feet to 114 feet in depth. In order to provide adequate street connections and circulation given the existing location of Flairstone Dr and Mildred Lane, Lots 17 and 18 cannot meet the minimum lot depth requirement and therefore the adjustment is necessary based on existing conditions beyond the applicant's control.

As indicated above, the Public Works Department explains that Mildred Lane was constructed by the City to its current standard and is considered a complete street where not further improvements are required. The applicant's site plan shows new internal streets to be constructed with a 30-foot paved surface within a 50-foot right-of-way, which is allowed for cul-de-sac streets per SRC Chapter 803, but smaller than the standard 60-foot right-of-way required of local streets. The applicant has provided a tentative plan which meets the minimum density requirement for a five-acre property, with site constraints for the existing locations of Flairstone Drive and Mildred Lane, as

well as the location of Waln Creek through the property. The applicant's tentative plan also illustrates the required setbacks for Lots 17 and 18, and indicates that the reduced width for the double-frontage lots can still accommodate a developable building envelope meeting all minimum setbacks abutting both streets.

The proposed lot depth is sufficient in size to allow for development of the lots in compliance with minimum setback requirements. The requested adjustment satisfies this approval criterion.

Allow single-family dwellings constructed as part of a subdivision to take access onto a minor arterial street, per SRC 804.035(c)(4):

The applicant has requested a Class 2 Adjustment to SRC 804.035(c)(4), which precludes access onto a major or minor arterial street from a single family, two family, three family, or four family use constructed as part of a subdivision or partition. The subject property has frontage on Mildred Lane SE, which is classified as a minor arterial street, and Flairstone Drive SE, which is a local street classification. The proposed subdivision will create 22 lots on the west side of Waln Creek, accessed through Flairstone Drive SE; and three lots on the east side of Waln Creek, where access across the creek from the rest of the subdivision is not practical. Therefore, the request is for the three lots proposed on the east side of Waln Creek to share one accessway to Mildred Lane SE.

The underlying purpose of this standard is to restrict multiple new driveways onto arterial streets for lots created through a subdivision or partition. Arterial streets are intended to accommodate high volumes of traffic and restricting individual access points limits conflicts with vehicles entering the roadway. The underlying purpose of this standard is equally met by the proposed development because only one point of access onto the arterial street is provided for the three lots. Additionally, with the conditions recommended in conjunction with the approval of the requested Class 2 Driveway Approach included in Section 10 of this report concerning sight distance and forward in/forward out movements, any conflicts with vehicular traffic on the arterial street are minimized. This criterion is met.

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: Neither the proposed development nor the adjustments requested by the applicant will detract from the livability of appearance of the residential area. The tentative subdivision on both sides of the creek will be developed with single family dwellings consistent with surrounding development to the north, south, and west of the subject property. This criterion is met.

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: Four 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. Although more one adjustment has been requested, each adjustment is the minimum necessary to allow the reasonable development of the property in conformance with the purposes of the RS zone. 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.

Condition 28: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

11. Analysis of Class 2 Driveway Approach Permit Approval Criteria

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed subdivision will create three lots that access Mildred Lane, a minor arterial street. The three lots will be served by a single flag lot accessway. The driveway approach for the proposed flag lot accessway requires a Class 2 Driveway Approach Permit. The applicant requests an adjustment to SRC Chapter 804 to allow single-family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4)). Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the applicable approval criteria are included above in Section 10 of this decision.

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

Finding: The Public Works Department reviewed the proposal and determined that no site conditions exist prohibiting the location of the proposed driveway approach. This approval criterion is met.

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

Finding: The proposed subdivision includes one driveway approach onto Mildred Lane serving three lots. Based on the size and location of the subject property and the fact that it is bisected by Waln Creek, the only feasible means of providing access to the eastern portion of the site is by a new driveway approach. Rather than seeking approval for three driveway approaches onto Mildred Lane, one driveway approach is proposed. This criterion is met.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

(B) Takes access from the lowest classification of street abutting the property

Finding: The proposed driveway accesses an arterial street and is shared between three lots. The subject property is split by Waln Creek and development of the other 22 lots are located west of the creek. A shared driveway approach between all lots created by the proposed subdivision is not feasible due to the location of the creek.

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

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

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

Finding: The Public Works Department reviewed the proposed driveway approach for conformance with the requirements of SRC Chapter 804 and indicated that no evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that with recommended conditions, it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

Pursuant to SRC 804.035(c)(5), only forward in/forward out access shall be allowed onto an arterial street. The applicant's tentative plan shows a hammerhead turnaround to accommodate forward in/forward out movements from the proposed accessway to Mildred Lane SE. Staff recommends making the turnaround a condition of approval to ensure forward in/forward out movements are provided.

Condition 29: Provide a turn-around off the flag lot accessway to ensure forward in/forward out movement onto Mildred Lane SE.

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

Finding: The Public Works Department reviewed the proposed driveway approach and indicated that staff analysis of the driveway approach, and the evidence that has been

submitted, indicate that the location of the approach will not have any adverse impact to the adjacent properties or streets. This approval criterion is met.

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

Finding: The Public Works Department reviewed the proposed driveway approach and provided comments indicating the proposed driveway approach is located on a minor arterial street and minimizes the impact to adjacent streets and intersections by providing adequate sight distance and being shared by multiple parcels. This approval criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed development is surrounded by residentially zoned property and Industrial Commercial zoning. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets. This criterion is met.

12. Conclusion

Based upon review of SRC Chapters 205, 250, and 804, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Final approval of a Subdivision Tentative Plan, Class 2 Adjustment, and Class 2 Driveway Approach Permit, Case No. SUB-ADJ-DAP23-04 is hereby **APPROVED** subject to SRC Chapters 205, 250, and 804, the applicable standards of the Salem Revised Code, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

Conditions 13, 16, 21, 22, 23, and 27 shall be completed prior to final plat approval or may be delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B).

- Condition 1:** The applicant shall provide sprinklers in all buildings, or be limited to providing no more than eight additional units for the 22-lot development on the west side of Waln Creek.
- Condition 2:** Prior to final plat approval, the applicant shall modify the dimensions of Lot 6 to comply with all applicable lot dimension standards, including the minimum 40-foot width at the front building setback line.
- Condition 3:** Lots 11, 12, 13, and 18 shall each construct one additional unit, providing a two-family use for each lot, meeting the minimum of four middle housing dwelling units to be constructed within the subdivision.

- Condition 4:** Any middle housing units constructed within the subdivision shall meet 100-ft setback abutting Waln Creek, measured from the top of bank.
- Condition 5:** The front lot line for proposed Lot 19 shall be designated as the northeastern property line, with the rear yard abutting the single-family property to the south.
- Condition 6:** The front lot line designation for Lot 12 shall be the south property line and the front lot line designation for Lot 22 shall be the north property line, both abutting Stone Court.
- Condition 7:** The front lot line designation for Lot 13 shall be the south property line, abutting the Stone Court street segment.
- Condition 8:** The flag lot accessways located on the west side Waln Creek shall be limited to a maximum of two units to be constructed for a flag lot with a 20-foot-wide accessway.
- Condition 9:** The flag lot accessway serving Lots 23-25 shall be paved to a minimum width of 20 feet within a minimum 25-foot-wide easement, and can serve no more than four units total.
- Condition 10:** “NO PARKING–FIRE LANE” signs shall be posted on both sides of those portions of the flag lot accessways that are fire apparatus roadways and “NO PARKING” signs shall be posted on both sides of any remaining portions of the accessways.
- Condition 11:** Prior to final plat approval, the applicant shall modify the dimensions of Lot 8 to comply with all applicable lot dimension standards for an interior lot, or obtain approval of an adjustment to the minimum allowed flag lots for a subdivision.
- Condition 12:** 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 13:** Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 14:** Along Waln Creek within the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 15:** Prior to final plat approval, the applicant shall adjust the dimensions of Lot 23-25 as necessary to allow adequate building envelopes for the construction of a single family or middle housing units. The lots shall be adjusted such that the buildings can be constructed outside of the

channel drainage easement and meeting the appropriate setbacks so that additional zoning adjustments are not warranted.

- Condition 16:** Extend public water, sewer, and storm mains as necessary within internal streets to serve the proposed development in accordance with Public Works Design Standards.
- Condition 17:** All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 18:** Dedicate easements pursuant to the current width standards in PWDS for the existing public stormwater and sewer mains within the subject property.
- Condition 19:** Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 20:** Dedicate minimum 50-foot-wide right-of-way for the internal streets within the subject property as shown on the applicant's tentative plan.
- Condition 21:** Construct internal streets to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
- Condition 22:** Provide a minimum four-foot planting strip to accommodate street trees on the new internal streets within the subdivision.
- Condition 23:** Install street trees to the maximum extent feasible along Mildred Lane SE and all internal streets within the subdivision.
- Condition 24:** All trees on Lots 23 and 24 shall be preserved unless the applicant can provide sufficient evidence the riparian trees meet the criteria for removal, or the applicant can receive approval of a Tree Conservation Plan Adjustment.
- Condition 25:** The applicant shall submit an updated existing conditions plan with an accurate tree inventory, including the critical root zone of all trees, at the time of grading permit review.
- Condition 26:** As a condition of building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- Condition 27:** Provide a minimum 20-foot public access easement for a Parks Master Plan Trail in an alignment approved by the Director, and dedicate any part of the access easement that is not within city-owned property.

- Condition 28:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.
- Condition 29:** Provide a turn-around off the flag lot accessway to ensure forward in/forward out movement onto Mildred Lane SE.

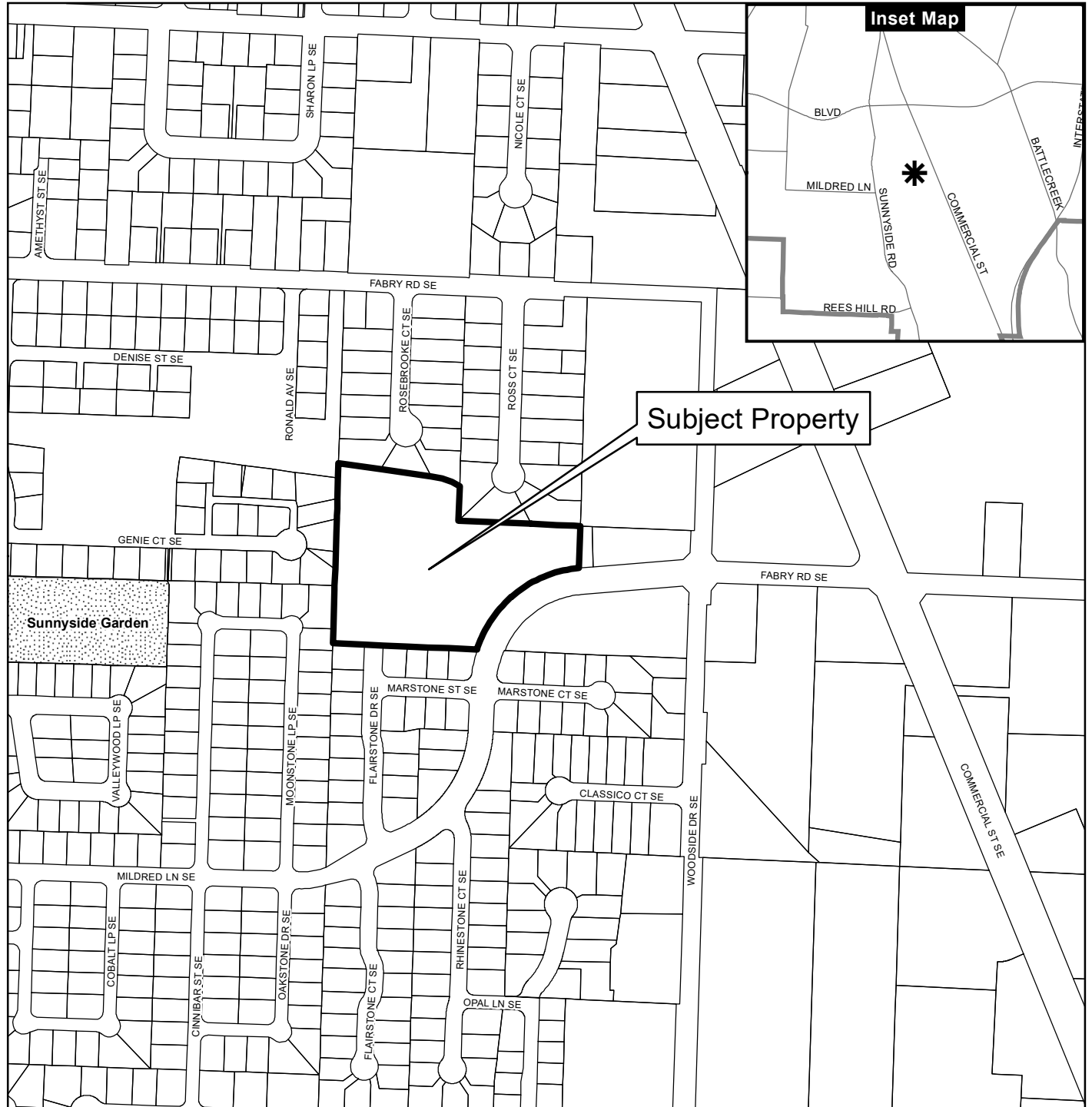


Jamie Donaldson, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator







- Attachments: A. Vicinity Map
B. Proposed Development Plans
C. Public Works Memo
D. Salem-Keizer School District Comments

<http://www.cityofsalem.net/planning>

Vicinity Map 1355 Mildred Lane SE



Legend

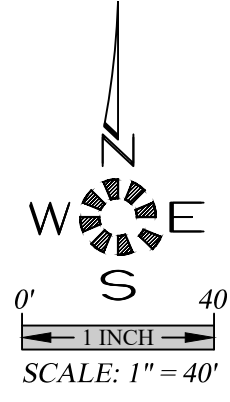
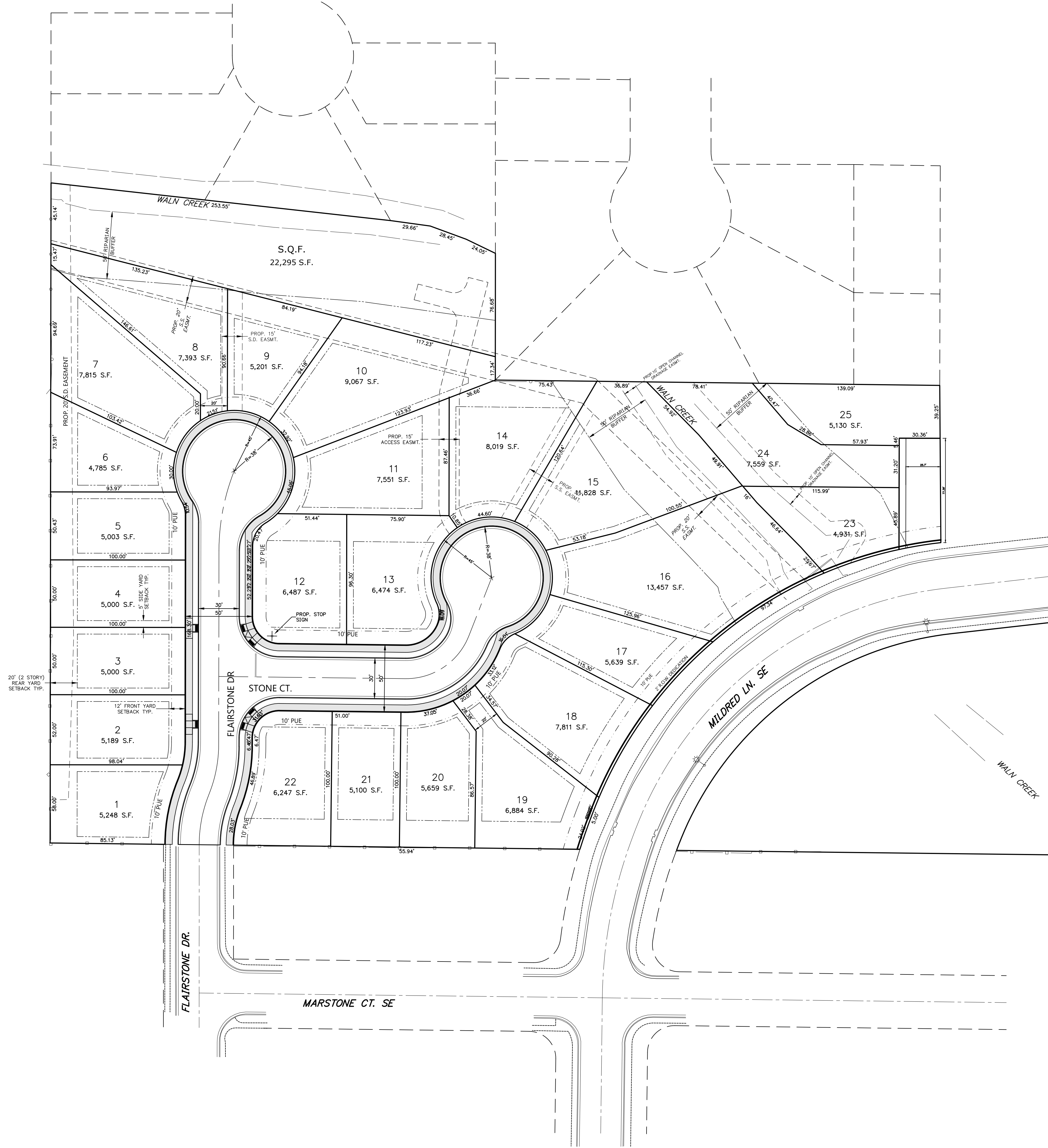
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools

 Parks



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**PRELIMINARY
 SITE PLAN**

TONEY ESTATES

MULTITECH ENGINEERING EXEMPT FROM
 LIABILITY IF NOT STAMPED APPROVED
**NOT FOR
 CONSTRUCTION
 UNLESS STAMPED
 APPROVED HERE**

NO CHANGES, MODIFICATIONS
 OR REPRODUCTIONS TO BE
 MADE TO THESE DRAWINGS
 WITHOUT WRITTEN
 AUTHORIZATION FROM THE
 DESIGN ENGINEER.
 DIMENSIONS & NOTES TAKE
 PRECEDENCE OVER
 GRAPHICAL REPRESENTATION.

DESIGN: M.D.G.
 DRAWN: M.K.D.
 CHECKED: J.J.G.
 DATE: JAN. 2020
 SCALE: AS SHOWN
 AS-BUILT: _____



EXPIRES: 06-30-2023
 JOB # 6606



MEMO

TO: Jamie Donaldson, Planner II
Community Development Department

FROM: Laurel Christian, Development Services Planner II
Public Works Department

DATE: March 27, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB-ADJ-DAP23-04 (22-119810)
1355 MILDRED LANE SE
25-LOT SUBDIVISION**

PROPOSAL

A consolidated application for a proposed 25-lot subdivision with associated site improvements. The application includes:

1. A Subdivision Tentative Plan to divide the 5.19-acre property into ~~23~~ 25 lots ranging in size from approximately 4,785 square feet to 13,457 square feet;
2. Three Class 2 Adjustments to:
 - a. Reduce the required lot depth for Lot 9 from 70 feet to approximately 67 feet (SRC 511.010);
 - b. Reduce the required lot depth of a double frontage lot for Lots 17 and 18 from 120 feet to approximately 111 feet and 114 feet (SRC 511.010); and
 - c. Allow single-family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4)); and
3. A Class 2 Driveway Approach permit for the proposed flag lot accessway onto Mildred Lane SE.

The subject property is zoned RA (Residential Agriculture), approximately 5 acres in size, and located in the 1200-1300 Block of Mildred Lane SE (Marion County Assessor Map and Tax Lot Number: 083W14CB / 2400).

RECOMMENDED CONDITIONS APPROVAL

1. The following conditions of approval shall be completed prior to final plat approval or shown on the final plat:
 - a. Dedicate a 10-foot public utility easement along the street frontage of all internal streets.
 - b. Along Waln Creek within the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
 - c. 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.
 - d. All necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
 - e. Dedicate easements pursuant to the current width standards in PWDS for the existing public stormwater and sewer mains within the subject property.
 - f. Dedicate minimum 50-foot-wide right-of-way for the internal streets within the subject property as shown on the applicant's tentative plan.
 - g. Dedicate a minimum 20-foot public access easement for a Parks Master Plan Trail in an alignment approved by the Director.
2. The following conditions of approval shall be completed prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B):
 - a. Extend public water, sewer, and storm mains as necessary within internal streets to serve the proposed development in accordance with PWDS.
 - b. Provide a turn-around off the flag lot accessway to ensure forward in/forward out movement onto Mildred Lane SE.
 - c. Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
 - d. Construct internal streets to Local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.
 - e. Provide a minimum 4-foot planting strip to accommodate street trees on the new internal streets within the subdivision.

- f. Install street trees to the maximum extent feasible along Mildred Lane SE and all internal streets within the subdivision.
3. The following conditions of approval shall be completed as a condition of future lot development for each lot:
 - a. As a condition of building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

FACTS AND FINDINGS

Streets

1. Mildred Lane SE
 - a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
 - b. Existing Condition—This street has an approximate 34-foot improvement within a 72-foot-wide right-of-way abutting the subject property.
2. Flairstone Drive SE
 - a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 50-foot-wide right-of-way for dead end streets.
 - b. Existing Condition—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Water

1. Existing Conditions
 - a. The subject property is located within the S-2 water service level.
 - b. An 8-inch water main is located in Flairstone Drive SE.
 - c. A 16-inch water main is located in Mildred Lane SE.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Flairstone Drive SE, approximately 100 feet south of the subject property.
- b. A 10-inch storm main is located in Mildred Lane SE.
- c. A 21-inch sewer main is located on the subject property in an easement.

Storm Drainage

1. Existing Conditions

- a. A 10-inch storm main is located in Flairstone Drive SE, approximately 100 feet south of the subject property
- b. A 24-inch storm main is located on the subject property in an easement.

Parks

The proposed development is served by Wiltsey Road Park, approximately 0.40 miles south of the subject property.

CRITERIA AND FINDINGS - SUBDIVISION

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.010(d)(1)—The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

- 1. Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;**
- 2. City infrastructure standards; and**
- 3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

Findings—The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several

easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that Waln Creek was not analyzed in conjunction with the adopted Flood Insurance Study for the Battle Creek Basin. However, the City has prepared Interim Flood Hazard Area maps and base flood elevations that are proposed to be adopted in 2023. Future development permits will require new structures to be constructed to a minimum of one foot above the proposed base flood elevations to limit flood damage pursuant to SRC 601.110(a)(2).

A 10-foot-wide public utility easement was dedicated along the street frontage of Mildred Lane SE as part of PAR19-11. The PUE is shown on the tentative plan. A 10-foot-wide public utility easement is required along the street frontage of all internal streets pursuant to SRC 803.035(n).

Condition: Dedicate a 10-foot public utility easement along the street frontage of all internal streets.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

A portion of Waln Creek runs through the subject property. Pursuant to PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater. The applicant's tentative site plan shows new structures within the required easement area on lots 23 through 25. New structures will not be permitted within this easement area.

Condition: Along Waln Creek within the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is

classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report. A Geological Assessment, prepared by Redmond Geotechnical Services and dated May 19, 2020, was submitted to the City of Salem with the subdivision application. This assessment/demonstrates the subject property could be developed by implementing the mitigation measures provided in the report.

Condition: As a condition of building permit issuance, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

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

Findings—The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. Water, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant’s tentative plan. The applicant shall extend public water, sewer, and storm mains as necessary within internal streets to serve the proposed development in accordance with PWDS.

Condition: Extend public water, sewer, and storm mains as necessary within internal streets to serve the proposed development in accordance with PWDS.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. The applicant submitted a tentative stormwater report; however, the proposed design does not comply with SRC Chapter 71 and PWDS. Access for maintenance of the public stormwater facility and the flow control structure has not been provided. In addition, the proposed stormwater facility does not appear to meet minimum setback requirements to Waln Creek. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, an Engineering Method Report, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Condition: Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Condition: Construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.

Private water, sewer, and storm services shall be constructed to serve each lot. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). All public and

private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. There are existing public sewer and stormwater mains on the site within easements. The applicant shall dedicate additional easement width that meet current PWDS widths for the public mains on-site.

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

Condition: Dedicate easements pursuant to the current width standards in the PWDS for the existing public stormwater and sewer mains within the subject property.

SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Findings—Mildred Lane SE abuts the subject property and does not meet the current improvement standard for a minor arterial street but has adequate right-of-way width. Mildred Lane SE was constructed by the City to its current standard and is considered a complete street; no additional improvements are required.

The applicant's site plan shows new internal streets to be constructed within the subdivision. The applicant's tentative plan shows a 30-foot paved surface within a 50-foot right-of-way, which is allowed for cul-de-sac streets per SRC Chapter 803. The design of the streets does not meet PWDS for horizontal curves. The applicant shall design and construct the internal streets to meet current PWDS unless a design exception is approved by the City Engineer.

A cross section for the proposed internal streets was not provided. PWDS require a minimum 4-foot planter strip to accommodate street trees. The applicant shall be required to demonstrate the street design can accommodate the required 4-foot planter strip, or provide additional right-of-way width. Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. Street trees along Mildred Lane SE and internal streets shall be provided.

Condition: Dedicate minimum 50-foot-wide right-of-way for the internal streets within the subject property as shown on the applicant's tentative plan.

Condition: Construct internal streets to local street standards as specified in the City Street Design Standards and consistent with the provisions in SRC Chapter 803.

Condition: Provide a minimum 4-foot planting strip to accommodate street trees on the new internal streets within the subdivision.

Condition: Install street trees to the maximum extent feasible along Mildred Lane SE and all internal streets within the subdivision.

SRC 205.010(d)(6)—The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Findings—The subject property is served by Wiltsey Road Park, which is a park site located south, and within a half-mile of, the subject property. Access to the park is available through the existing transportation system.

The *Salem Comprehensive Park System Master Plan* includes a proposed trail through the subject property along Waln Creek. Pursuant to SRC 800.065(a)(4), a public access easement shall be dedicated or provided for future construction of the trail as a condition of the proposed land division. A minimum 20-foot public access easement is required in an alignment approved by the Public Works Director. The alignment may be over existing easements for public utilities on the site, along the creek.

Condition: Dedicate a minimum 20-foot public access easement for a Parks Master Plan Trail in an alignment approved by the Director.

SRC 205.010(d)(7)—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.

Findings—The proposed 25-lot subdivision takes access onto a local street and an arterial street. The 25-lot subdivision generates 236 Average Daily Trips, which is marginally over the 200-trip threshold for local streets and well under the 1,000-trip threshold for arterial streets. The Assistant City Traffic Engineer has reviewed the proposed development and determined the existing street system is adequate to accommodate the traffic generated by the development. Therefore, a TIA was not required as part of the proposed subdivision submittal.

CRITERIA AND FINDINGS – DRIVEWAY APPROACH PERMIT

The proposed subdivision will create three lots that access Mildred Lane SE, a minor arterial street. The three lots will be served by a single flag lot accessway. The driveway approach for the proposed flag lot accessway requires a Class 2 Driveway Approach Permit.

Criteria—A Class 2 Driveway Approach Permit shall be granted if:

- (1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;**

Findings—The applicant requests an adjustment to SRC Chapter 804 to allow single-family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4)). Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS. Findings for the requested adjustments are provided below.

- (2) No site conditions prevent placing the driveway approach in the required location;**

Findings—There are no site conditions prohibiting the location of the proposed driveway.

- (3) The number of driveway approaches onto an arterial are minimized;**

Findings—One access is proposed to the arterial street.

- (4) The proposed driveway approach, where possible:**

- i. **Is shared with an adjacent property; or**
- ii. **Takes access from the lowest classification of street abutting the property;**

Findings—The proposed driveway accesses an arterial street and is shared between three lots. The subject property is split by Waln Creek. A shared driveway approach between all lots created by the proposed subdivision is not feasible due to the creek.

- (5) Proposed driveway approach meets vision clearance standards;**

Findings—The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

- (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;**

Findings—No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that with recommended conditions, it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

Pursuant to SRC 804.035(c)(5), only forward in/forward out access shall be allowed onto an arterial street. The applicant's tentative plan shows a hammerhead turnaround to accommodate forward in/forward out movements from the proposed accessway to Mildred Lane SE. Staff recommends making the turnaround a condition of approval to ensure forward in/forward out movements are provided.

Condition: Provide a turn-around off the flag lot accessway to ensure forward in/forward out movement onto Mildred Lane SE.

(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;

Finding—Staff analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

Finding—The proposed driveway approach is located on a minor arterial street and minimizes the impact to adjacent streets and intersections by providing adequate sight distance and being shared by multiple parcels.

(9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding—The proposed development is surrounded by residentially zoned property and Industrial Commercial zoning. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets.

CRITERIA AND FINDINGS - ADJUSTMENT

Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(2) is as follows:

Criteria—The purpose underlying the specific development standard proposed for adjustment is:

1. Clearly inapplicable to the proposed development; or
2. Equally or better met by the proposed development.

Finding—The applicant requests an adjustment to SRC Chapter 804 to *Allow single-family dwellings constructed as part of a subdivision to take access onto a minor arterial street (SRC 804.035(c)(4))*;

The subject property has frontage on Mildred Lane SE (minor arterial street classification) and Flairstone Drive SE (local street classification). The proposed subdivision will create 22 lots on the west side of Waln Creek and three lots on the east side of Waln Creek. The three lots proposed on the east side of Waln Creek will share one accessway to Mildred Lane SE. Access to Flairstone Drive SE for the lots on the east side of Waln Creek is not practical due to the proximity to the creek.

The intent of this code is to restrict multiple new driveways onto arterial streets for lots created through a subdivision. Arterial streets are intended to accommodate high volumes of traffic and restricting individual access points limits conflicts with vehicles entering the roadway. The intent of the code is equally met as one access point onto the arterial street is provided for three lots. Additionally, with recommended conditions for forward in/forward out movements, conflicts with vehicular traffic on the arterial street are minimized.

RESPONSE TO CITIZEN COMMENTS

- 1. Traffic and Street Connectivity:** Comments received expressed concerns for the additional traffic that would be generated by the development, where only one access to the subdivisions is proposed, through Flairstone Drive SE. Additional access points to the subdivisions were requested.

Staff Response: Two existing accesses onto Mildred Lane SE are provided to serve the development, one on Flairstone Drive SE and the other through Marstone Court SE, which connects Flairstone Drive SE to Mildred Lane SE. The subdivision proposal will extend Flairstone Drive SE and dead-end in a cul-de-sac. The City and the developer looked at different options to provide access to this site but, ultimately, crossing Waln Creek with a bridge was not economically feasible. An additional street connection to Woodside Drive SE is not possible because this developer does not control the property that connects to the street. Additionally, the street connection is too close to the intersection with Mildred Lane SE and would cause safety and operational issues. Rosebrooke Court SE is a completed cul-de-sac and was never intended to be extended to the south because of the issues with constructing a bridge over Waln Creek.

The Salem Fire Department addresses emergency service access by restricting the number of units allowed on cul-de-sac streets, or by requiring mitigation measures through fire sprinklers, for example. The City of Salem standard for a local street is a 30-foot-wide paved surface, which can adequately serve this development and all emergency service vehicles.

- 2. Flag lot Accessway onto Mildred:** Comments received expressed concerns for the additional access point onto Mildred Lane SE to serve three proposed lots on a single, common, shared accessway.

Staff Response: Access over Waln Creek to serve this portion of the property would be onerous to construct for three single-family dwellings. Staff recommends a turn around be provided to ensure forward in and forward out movements onto Mildred Lane SE.

3. **Drainage and Flooding:** Comments received expressed concerns for flooding along Waln Creek.

Staff Response: As described above, the Federal Emergency Management Agency adopted Flood Insurance Study and Flood Insurance Rate Maps for the City of Salem show no regulatory floodplain or floodway areas mapped on the subject property. However, the City has prepared Interim Flood Hazard Area maps and base flood elevations that are proposed to be adopted in 2023. Future development permits will require new structures to be constructed to a minimum of one foot above the proposed base flood elevations to limit flood damage pursuant to SRC 601.110(a)(2). In addition, the site is subject to the stormwater management regulations in SRC Chapter 71 and the PWDS. Drainage considerations for each lot will be reviewed and approved prior to development.

Prepared by: Laurel Christian, Development Services Planner II
cc: File



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Christy Perry, Superintendent

February 28, 2023

Jamie Donaldson, Planner
 Planning Division, City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301

RE: Land Use Activity Case No. SUB-ADJ-DAP23-04, 1200-1300 Block of Mildred Ln SE

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
Battle Creek	Elementary	K thru 5
Judson	Middle	6 thru 8
Sprague	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
Battle Creek	Elementary	454	601	76%
Judson	Middle	791	1,059	75%
Sprague	High	1,747	2,248	78%

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	25	SF	0.168	4
Middle			0.098	2
High			0.144	4

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
Battle Creek	Elem.	454	13	4	17	601	78%
Judson	Mid.	791	104	2	106	1,059	85%
Sprague	High	1,747	36	4	40	2,248	80%

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
Battle Creek	Elementary	Eligible for School Transportation
Judson	Middle	Eligible for School Transportation
Sprague	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	4	\$68,445	\$273,780
Middle	2	\$83,363	\$166,726
High	4	\$98,280	\$393,120
TOTAL			\$833,626

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2022 Third Quarter.

Sincerely,



David Fridenmaker, Manager
 Planning and Property Services

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