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LAND USE APPEAL APPLICATION  
COMMUNITY DEVELOPMENT

1. GENERAL DATA REQUIRED [to be completed by the appellant]

SPR-ADJ-DAP17-26

November 22, 2017

Case # Being Appealed

Decision Date

500 Block of Glen Creek Rd NW & 500-600 Block of 9th Street NW

Address of Subject Property

3240 Gehlar Rd NW, Salem, OR 97304

Appellants Mailing Address with zip code

andersonriskanalysis@comcast.net

503-378-7428

Appellant's E-mail Address

Day-time Phone / Cell Phone

Appellant's Representative or Professional to be contacted regarding matters on this application, if other than appellant listed above:

Name

Mailing Address with ZIP Code

E-Mail Address

Day-time Phone / Cell Phone

2. SIGNATURES OF ALL APPELLANTS

Signature:

Date:

12/7/17

Printed Name:

Steven A. Anderson

Signature:

Date:

12/7/17

Printed Name:

Jim Alheiser - Alheiser WSNA Chair (West Salem Neighborhood Assoc.)  
Tyson Pruett - WSNA Land Use Chair 12/7/17

3. **REASON FOR APPEAL** Attach a letter, briefly summarizing the reason for the Appeal. Describe how the proposal does not meet the applicable criteria as well as verification establishing the appellants standing to appeal the decision as provided under SRC 300.1010

FOR STAFF USE ONLY

Received By:

SK

Date:

12-7-17

Receipt No:

17-111985-RP

Appeal Deadline:

12-11-17

Case Manager:

Aaron Parker

**Notice of Appeal****December 6, 2017****Decision Sought to be Appealed:**

Case No. SPR-ADJ-DAP 17-226Adjustment/Class 2 Driveway Approach Permit

**Application No:** 17-111985RP & 17-117330ZO

**Notice Date of Decision:** November 22, 2017

**Standing:**

Appellant: Steven A. Anderson, Past Chair of West Salem Neighborhood Association, et al. 3240 Gehlar Road NW, Salem, OR 97304

The West Salem Neighborhood Association at its October 2, 2017, meeting voted to report its findings for the record on this case; that the proposed driveway onto Glen Creek Road appeared not to meet the criteria for granting a Class 2 Driveway Permit, and re-stated its recommendation from its previous review of the land use action at this location, that the developers work with the West Salem Urban Renewal Advisory Board on projects to improve access to Wallace Road from 9<sup>th</sup> Street through the 7<sup>th</sup> Street collector to other signaled intersections on Wallace Road, and limit access to Glen Creek for emergency purposes. Staff's decision in the previous review found that the 9<sup>th</sup> Street through the 7<sup>th</sup> Street site access was sufficient for the site and the preferred site access route, and the applicant had stated that driveway access to Glen Creek Road NW was to be for emergency use. The approval of the Site Plan Review and the granting of the Class 2 Driveway Approach Permit in this case are hereby appealed based on the record of the West Salem Neighborhood Association, and its submitted comments, some of which were not addressed in the Staff report of findings.

**The Decision failed to conform to the provisions of:**

SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

The proposed system imposes unmitigated access limitation for property at 525 Glen Creek Road NW, does not mitigate negative impacts to the transportation system, and increases risks of hazards for access from 601 Glen Creek Road NW.

**The Decision failed to conform the provisions of:**

SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians;

The proposed driveway onto Glen Creek road does not meet the standards required by SRC 804.025(d), among which are safety, impact on the community, and functionality of adjacent streets and intersections.

**The Decision fails to conform to the provisions of:**

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

SRC 804.035 (d) requires driveway approaches providing direct access to a major or minor arterial be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.

Using the Polk County ERSI web map measuring tool, the distance from the centerline of the proposed new driveway to the centerlines of Wallace Road and Alpine Drive NW were measured. The distance to Wallace Road is approximately 429 feet; well over the 370-foot stipulated under SRC 804.035 (d). However, the same rule applies to the distance between the driveway and Alpine Drive NW. That measurement is 325 feet which does not meet the 370-foot provision of SRC 804.035 (d).

**The Decision fails to conform to the provisions of:**

SRC 804.025 (d)(4)(B). The proposed driveway approach where possible takes access from the lowest classification of street abutting the property;

The street abutting the property with the lowest classification is 9<sup>th</sup> Street, a local street, not Glen Creek Road, a Minor Arterial.

**The Decision fails to comply with the provisions of:**

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

The proposed driveway approach creates traffic hazards for bicyclists, pedestrians, and vehicles entering from the Spring Mountain apartments to the north.

Residents of the Spring Mountain apartments turning east onto Glen Creek need to cross three lanes of traffic and a bicycle lane to enter a short vehicle left turn lane pocket.

**The Decision fails to comply with the provisions of:**

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

The mitigation elements of the proposed driveway approach limit access to the 21 Oaks Shopping Center to a right in right out access only forcing mitigation for this proposed action onto another property owner, not the applicant. East bound traffic leaving the 21 Oaks Shopping Center will likely migrate through residential streets such as Alpine or Karen Way, or take a dangerous U turn on Glen Creek Road for which no location is designated.

**The Decision fails to comply with the provisions of:**

SRC 804.025(d)(8) The proposed driveway approach minimizes impacts to the functionality of adjacent streets and intersections; and

The proposed driveway creates an un-signalized intersection with conflicts.

The proposed driveway approach significantly impairs the functionality of the east bound egress from the Spring Mountain apartments and the 21 Oaks Shopping Center.

The proposed driveway approach impairs eastbound traffic queuing from Glen Creek to Wallace Road. Long traffic queuing may impair the function of other un-signalized intersections.



The proposed driveway approach fails to mitigate negative impacts to the transportation system and adjacent intersections.

**The Decision fails to comply with the provisions of:**

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

The proposed driveway approach impairs the functionality of the east bound egress from Spring Mountain apartment and the 21 Oaks Shopping Center forcing traffic into residential streets without mitigation.

**The Decision fails to address the applicability of:**

SRC 804.035(a)(2). No driveway approach is allowed onto a major or minor arterial for development that is not a complex, unless:

- (A) The driveway approach provides shared access;
- (B) The development does not abut a local or collector street; or
- (C) The development cannot be feasibly served by access onto a local or collector street.

The term “complex” is not defined. Without a clear definition, it is impossible to determine the applicability of relevant options.

Page 18 of the staff report states findings: “A shared access with the adjacent property to the west is not possible due to topographic constraints and zoning incompatibilities.” This suggests multiple properties may be an element of “complex”, but remains vague.

**The Decision presents a solution in Condition 3 that lacks clarity and specificity, page 14 of the staff report:**

Condition 3: Extend the raised median and modify the striping on Glen Creek Road NW to comply with the recommendations specified in the Traffic Impact Analysis.

“As stated in the conditions of approval, striping modifications and extension of the existing raised median in Glen Creek Road NW shall be designed and constructed pursuant to PWDS and the recommendations in the Traffic Impact Analysis.”

Drawings in the Traffic Impact Analysis do not depict the turn lanes or bicycle lanes, which drawings are necessary for evaluation of conflicts, queuing, and risks of hazard.

**Conclusions in the staff report are stated without supportive evidence:**

**Testimony known to have been submitted has not been included in the record.**

The graphic below depicts the distances between intersections, facts upon which at least one decision in this case should have turned (see SRC 804.025(d)(1) above).



Respectfully submitted,

Steven A. Anderson, Appellant