



Legislation Details (With Text)

**File #:** 22-50      **Version:** 1

**Type:** SOB - Unfinished business from prev. mtg.      **Status:** Agenda Ready

**In control:** City Council

**On agenda:** 2/28/2022      **Final action:** 2/28/2022

**Title:** Deliberations for City Council review of subdivision approval (SUB21-09) located at 4540 Pringle Road SE.

Ward(s): 3  
 Councilor(s): Phillips  
 Neighborhood(s): Morningside Neighborhood Association  
 Result Area(s): Welcoming and Livable Community

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map, 2. SUB21-09 Decision, 3. Additional Public Comments, 4. Applicant's Updated Tree Plan dated February 2, 2022, 5. Hilfiker Shifting memo from Applicant 2-1-2022, 6. Applicant's Final Written Argument received 2-21-2022.pdf

Date	Ver.	Action By	Action	Result
2/28/2022	1	City Council	denied	Pass

**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Norman Wright, Community Development Director

**SUBJECT:**

Deliberations for City Council review of subdivision approval (SUB21-09) located at 4540 Pringle Road SE.

Ward(s): 3  
 Councilor(s): Phillips  
 Neighborhood(s): Morningside Neighborhood Association  
 Result Area(s): Welcoming and Livable Community

**SUMMARY:**

The public hearing was closed on January 10, 2022 and the record for additional public comments closed on February 14, 2022. No public testimony will be taken at this meeting.

The Planning Administrator approved a phased subdivision tentative plan to divide approximately 29.68 acres into 139 single family lots ranging in size from 4,000 square feet to 3.64 acres in two

phases of development for property located at 4540 Pringle Road SE (Attachment 1). City Council will decide to affirm, modify, or reverse the Planning Administrator's decision for Phased Subdivision Tentative Plan Case No. SUB21-09 (Attachment 2).

**ISSUE:**

Shall the City Council affirm, modify, or reverse the Planning Administrator's decision approving Phased Subdivision Tentative Plan Case No. SUB21-09.

**RECOMMENDATION:**

Affirm the Planning Administrator's decision approving phased subdivision tentative plan case number SUB21-09.

**FACTS AND FINDINGS:**

1. On January 10, 2022, the City Council conducted a public hearing, received testimony, and voted to close the public hearing but leave the record open for additional evidence to be submitted.
2. The City Council directed City staff to conduct a site visit of the subject property to verify the accuracy of the tree data provided the applicant, specifically to see if there are any additional significant trees on the property that were not identified by the applicant.
3. On January 11, 2022, following the close of the public hearing, the applicant agreed to extend the state-mandated local decision deadline from March 2, 2022 to March 15, 2022.
4. The record closed for all public comments on February 14, 2022 at 5:00 pm. Final public comments are included in Attachment 3.
5. The applicant's final written argument is due on February 21, 2022 at 5:00 pm.

**BACKGROUND:**

The following is an update and response to issues following the close of the January 10, 2022 public hearing regarding significant trees on the subject property, the impact of shifting the alignment of Hilfiker to the north and west to avoid a grove of significant trees, and a response to other transportation related concerns.

- A. Significant Tree Update.** On January 27, 2022, City staff visited the site to verify the

accuracy of the applicant’s tree plan.

A total of 64 significant trees were observed on the subject property and the abutting right-of-way for 12<sup>th</sup> Street SE.

Using the latest tree plan provided by the applicant, staff found that 48 of the significant trees were correctly identified (37 to be preserved and 11 to be removed). Staff found 16 additional significant trees not identified as significant on the tree plan (10 to be preserved and 6 to be removed). Staff also noted that 10 of the trees identified as significant trees on the tree plan were not found to be significant, four of the trees have a dbh less than 24 inches, two significant trees were windthrown (dead on the ground), three significant trees were located off-site on adjacent property, and one tree was misidentified as an Oregon white oak but was actually a Douglas Fir.

Based on feedback provided by the staff visit, the applicant has provided an updated final tree inventory dated February 2, 2022 (Attachment 4).

Of the 64 trees observed on the subject property and abutting right-of-way for 12<sup>th</sup> Street SE, a total of 47 significant trees are proposed to be preserved and 17 significant trees are proposed for removal for a preservation rate of 73.4 percent.

The table below identifies the significant trees proposed for removal, the corresponding page number identifying the location of the significant tree on site, the dbh, and the reason for removal.

<b>Tree and Page Number</b>	<b>DBH</b>	<b>Reason for Removal</b>
2578, P3.3	25	12 <sup>th</sup> Street widening
2579, P3.3	38	12 <sup>th</sup> Street widening
2823, P3.4	32	Grading and development of Lot 40
2825, P3.4	24	Grading and development of Lot 41
2827, P3.4	37	Grading and development of Lot 41
2834, P3.4	28	Grading and development of Lot 43
3141, P3.4	27	Grading and development of Lot 58
3143, P3.4	26	Grading and development of Pedestrian pathway between lots 57 and 58
3146, P3.3	24+	Construction of Hilfiker Lane
3162, P3.3	32	Grading and development of Lot 59
3194, P3.3	27	Construction of Hilfiker Lane
3213, P3.3	42	Grading and development of Lot 60
3228, P3.3	34	Grading and development of Lot 62
3242, P3.3	25	Grading and development of Lot 64
3243, P3.3	24	Grading and development of Lot 63
4932, P3.1	32	Grading and development of Lot 96

5546, P3.1	24	12 <sup>th</sup> Street widening
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**B. Realignment of Hilfiker Lane SE.** Comments submitted into the record suggest that the alignment for Hilfiker could be shifted to the north-west to avoid the grove of significant trees.

Staff has reviewed the design alternative provided in the public comments. There is not enough detail provided for the street alignment, grade, and curvature to provide a meaningful response. There are a few things that could be affected.

1. It appears the curves on Hilfiker Lane would get sharper. Hilfiker Lane is designated as a collector street in the Salem Transportation System Plan (TSP). The design speed for a collector street is 35 MPH and the minimum centerline radius for a collector street is 510 feet. The alignment for Hilfiker Lane currently put forth by the applicant requires a design exception to reduce the speed to 25 MPH and minimum centerline radius to 200 feet. Because of the residential nature of this street, with driveways along both sides and on-street parking, staff is supportive of a design speed of 25 MPH.

If the curves along Hilfiker Lane are relocated to the north-west and become sharper, the street may not be able to meet even the 25 MPH design speed. Staff would not likely support a design speed of less than 25 MPH for a collector street.

2. If Hilfiker Lane were to be realigned, it would require the tentative subdivision plan to be redesigned. The number of lots would likely be reduced, and other internal local streets serving the subdivision would need to be realigned as well. Changes in grade to Hilfiker Lane may affect other connecting streets.
3. The applicant has provided a memo title, "Meyer Farm: Shifting Hilfiker Lane alignment in order to preserve significant trees" dated February 1, 2022 (Attachment 5).

**C. Additional Transportation Related Items.**

City staff response to four major transportation questions raised during the review of this application are included below.

1. Intersection Site Distance at Battle Creek Road SE/Pringle Road SE. Staff does not believe there is a sight distance issue at this intersection. Requirements for intersection site distance are based upon the American Association of State Highway and Transportation Officials (AASHTO) "A Policy of Geometric Design of Highways and Streets." The sight distance evaluation criteria in AASHTO uses the "design speed" rather than "posted speed." The intersection of Battle Creek Road SE and Pringle Road SE is classified as a minor arterial. The City of Salem Design Standards require that arterial streets are designed for 45 MPH. The posted speed along this segment of roadway is 40 MPH.

There are three difference movements that need to be evaluated at this new intersection of Hilfiker Lane SE and Battle Creek Road SE/Pringle Road SE, assuming a design speed of 45 MPH, the following cases have been evaluated and shown to provide adequate sight distance at this new intersection:

- a. The left turn from the minor roadway (driver on Hilfiker Lane). Minimum Intersection Site Distance (ISD) required = 500 feet. Sight distance available is greater than 500 feet looking to the right.
- b. The right turn from the minor roadway (driver on Hilfiker Lane). Minimum ISD required = 430 feet. Sight distance available is greater than 500 feet looking to the left.
- c. The left turn from the major roadway (driver on Battle Creek Road). Minimum ISD = 365 feet. Sight distance available is greater than 400 feet looking straight ahead.

When Battle Creek Road/Pringle Road is widened, the improvements will shift the northbound left turn to the west into the current southbound lane and will dramatically improve the sight distance for this movement. Even though there is a downhill grade on Battle Creek Road approaching this new intersection, the grade of the road is not a factor in evaluating ISD per AASHTO.

2. Impact of Background Growth on Traffic Volume. Development of the Kuebler Gateway Shopping Center (Costco) has been approved and construction is underway, with planned openings scheduled early this year. The transportation improvements required to be constructed with this development adequately mitigate their traffic. The traffic generated by Costco that will be traveling along the Battle Creek Road corridor is considered background traffic. The proposed subdivision cannot be responsible for mitigating background traffic growth and to account for every potential development that may be contemplated in the vicinity. The background growth and the COVID adjustments used in the applicant's Traffic Impact Analysis more than accommodate general traffic growth in this area.
3. Extension of Hilfiker Lane SE. The Hilfiker Lane SE extension has been identified in the Salem Transportation System Plan since at least 1992. Previously, Hilfiker Lane was classified as a minor arterial, but was downgraded to a collector street to better accommodate a neighborhood street. As discussed, there may currently be a considerable amount of "cut through" traffic that uses the neighborhood to the north that connects Commercial Street SE and Pringle Road SE. When the extension of Hilfiker Lane is complete, there will likely be a reduction of the "cut through" traffic on Suntree Drive SE, Mandy Avenue SE and Albert Drive SE.
4. Grade for 12<sup>th</sup> Street SE. As a condition of approval, the proposed development must make improvements to the streets along their boundary. 12<sup>th</sup> Street SE is a boundary street along the western boundary of the subject property. The City will require the street to be widened 15 feet from centerline along the developer's portion of the 12<sup>th</sup> Street frontage and will require construction of curb and sidewalk

and installation of streetlights with this improvement. The resulting improvement will include one standard width travel lane in each direction.

The current City standard for the grade on a local street is 12 percent with a design exception to allow for 15 percent for short distances. The current grade of 12<sup>th</sup> Street is approximately 17 percent. The Dickson's 2<sup>nd</sup> Addition subdivision that platted the existing western half-width street of 12<sup>th</sup> Street was platted in 1954 in Marion County and ultimately was annexed into the City in 1964. The street appears to have been improved in the mid-1960's. In 1964, the standards for street improvements were likely much different than they are now. To require this development to bring this existing non-conforming street to current standards would be a significant improvement. The entire length of 12<sup>th</sup> Street between Lansford Drive SE and Hilfiker Lane SE would need to be regraded. Because the west side of the street is fully developed with homes and driveways, and improvement of this magnitude could have a significant impact to all the driveways and front yards of the existing homes.

**ALTERNATIVES:**

They City Council may affirm, modify, or reverse the decision of the Planning Administrator for Phased Subdivision Tentative Plan Case No. SUB21-09.

- I. AFFIRM the decision;
- II. MODIFY the decision; or
- III. REVERSE the decision.

Aaron Panko  
Planner III

**Attachments:**

- 1. Vicinity Map
- 2. SUB21-09 Decision
- 3. Additional Public Comments
- 4. Applicant's Updated Tree Plan dated February 2, 2022
- 5. Applicant's Shifting Hilfiker Lane memo February 1, 2022
- 6. Applicant's Final Written Argument received February 21, 2022