

**TO:** HEARINGS OFFICER

**FROM:** LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY  
DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

**SUBJECT:** VARIANCE / CLASS 2 DRIVEWAY APPROACH CASE NO. 21-01;  
1355 MILDRED LANE SE- 97306;  
AMANDA NO.: 21-101587-ZO, 21-101590-ZO

**REQUEST**

Summary: A request for a Variance and Class 2 Driveway Approach Permit to allow a driveway approach onto Mildred Lane SE, a Minor Arterial Street, where a driveway is not allowed for a single-family residential use.

Request: A Variance and Class 2 Driveway Approach Permit 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 7.6 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).

**APPLICANT:** Empire Builders of Oregon LLC (James Helton)

**OWNER(S):** Empire Builders of Oregon LLC (James Helton), Mountain West Investment Corporation, JCT Construction Group LLC (Mark Hoyt, James Tokarski, James Cain)

**AGENT:** Brandie Dalton, Multi-Tech Engineering, Inc.

**RECOMMENDATION**

Based on the Facts and Findings presented in this staff report, staff recommends the Hearings Officer **DENY** the request for a variance and driveway approach permit to allow a driveway approach onto Mildred Lane SE, a Minor Arterial Street, where a driveway is not allowed for a single-family residential use.

**BACKGROUND**

On January 11, 2021, Brandie Dalton, Multi-Tech Engineering, Inc., filed Variance and Class 2 Driveway Approach Permits on behalf of one of the property owners, Empire Builders of Oregon LLC (James Helton).

On January 27, 2021, an incomplete letter was provided to the applicant requesting additional information. On January 29, 2021, the applicant provided written notice stating no additional information would be provided pursuant to ORS 227.178(2)(c) and requested that the applications be deemed complete.

The consolidated applications were deemed complete for processing on January 29, 2021.

The public hearing before the City of Salem Hearings Officer is scheduled for February 24, 2021, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on February 4, 2021. Public hearing notice was also posted on the property pursuant to SRC requirements.

## **PROPOSAL**

The applicant is requesting a Variance and Class 2 Driveway Approach Permit to allow a driveway approach onto Mildred Lane SE, classified a Minor Arterial Street on the Salem Transportation System Plan, for a single-family residential use. The Variance is requested because driveway access onto a minor arterial for a single-family use is prohibited pursuant to SRC 804.035. The Class 2 Driveway Approach Permit is required for a driveway approach onto a parkway, major arterial, or minor arterial pursuant to SRC 804.025(a)(1). A vicinity map illustrating the location of the legal property is attached hereto and made a part of this staff report (**Attachment A**).

## **SUMMARY OF RECORD**

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

## **APPLICANT'S STATEMENT**

The applicant's site plan is included as **Attachment B** to illustrate the location of the proposed driveway on Mildred Lane SE. The site plan indicates the driveway approach for a single-family use is proposed for a portion of proposed Parcel 1 of PAR19-11. However, the partition plat has not been recorded, therefore, Parcel 1 is currently not a legal parcel. The applicant's statement addressing the applicable approval criteria for the consolidated Variance and Class 2 Driveway Approach applications is included as **Attachment C**.

## **FACTS AND FINDINGS**

### **1. Salem Area Comprehensive Plan (SACP) designation**

*Urban Growth Policies:* The subject property is located within the Salem Urban Growth Boundary and the Urban Service Area.

*Comprehensive Plan Map:* The subject property is designated "Single Family Residential (SF)" and "Industrial Commercial (IC)" on the Salem Area

Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Single Family Residential (SF) and Multi-Family Residential (MF)  
South: Single Family Residential (SF)  
East: Across Woodside Drive SE; Industrial Commercial (IC)  
West: Single Family Residential (SF)

## 2. Zoning and Surrounding Land Uses

The subject property is split-zoned RA (Residential Agriculture), RS (Single Family Residential), and IC (Industrial Commercial), and is currently undeveloped. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential) and RM-II (Multiple Family Residential) – Single-family residential subdivision and an apartment complex  
South: RS (Single Family Residential) – Single-family residential subdivision  
East: IC (Industrial Commercial) – Self-service storage development and single-family residence  
West: RS (Single Family Residential) – Single-family residential subdivision

## 3. Site Analysis

The subject property includes five tax lots with an area of approximately 7.6 acres and has approximately 248 feet of frontage on Woodside Drive SE, approximately 50 feet of frontage on Flairstone Drive SE, approximately 630 feet of frontage on the north side of Mildred Lane SE, and approximately 539 feet of frontage on the south side of Mildred Lane SE.

Mildred Lane SE is designated as a Minor Arterial street in the Salem Transportation System Plan and Flairstone Drive SE and Woodside Drive SE are designated as Local streets. The proposed driveway approach onto Mildred Street SE for the single-family use is not allowed pursuant to SRC 804.035.

The subject property was approved for a three-lot partition in August of 2019; Partition Case PAR19-11 (**Attachment D**). The proposed driveway approach is to provide access for a new single-family dwelling submitted for development under permit 20-113775-DW. The applicant's site plan indicates the driveway approach and single-family dwelling are proposed for a portion of proposed Parcel 1 of PAR19-11. However, the partition plat has not been recorded, therefore, Parcel 1 is currently not a legal parcel. Partition tentative plans are valid for a period of two years. The approval granted by PAR19-11 must be exercised or an extension granted by September 14, 2021, or the approval will be null and void. Pursuant to SRC 300.850, Table 300-3, a partition tentative

plan is allowed a maximum of four extensions with a maximum approval period of two years per each extension granted.

As well, the lot configuration illustrated on the the applicant's site plan for the proposed single-family dwelling is nonexistent and therefore, also not a legal unit of land.

#### **4. Neighborhood and Citizen Comments**

The subject property is located within the South Gateway Neighborhood Association. The applicant is required by SRC 300.210(a)(6) to provide a copy of an email or letter to the Neighborhood Association, meeting SRC 300.210(a)(5). As discussed below in Section 6 of this report, the applicant has not provided proof that they contacted the South Gateway Neighborhood Association.

Notice was provided by staff to South Gateway Neighborhood Association and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time of this staff report, no comments were received from the neighborhood association or surrounding property owner's or tenants.

#### **5. City Department and Public Agency Comments**

The City of Salem Building and Safety Division reviewed the Variance and Class 2 Driveway Approach Permit proposals and commented the Building and Safety Department has no zoning jurisdiction.

The City of Salem Fire Department reviewed the Variance and Class 2 Driveway Approach Permit proposals and stated that they have no concerns.

The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided comments. Their memorandum is included as **Attachment E**.

#### **6. Analysis of Land Use Application Submittal – SRC Chapters 300, 245 and 804**

SRC 300.210(a) outlines application submittal requirements for land use applications and SRC 245.005(c) outlines additional submittal requirements for a variance.

SRC Chapter 300.210(a) provides that land use applications shall be submitted on forms prescribed by the Planning Administrator, shall not be accepted in partial submittals, and of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.

The following items submitted by the applicant were found to be either partial submittals or missing, pursuant to SRC 300.210(a).

*SRC 300.210(a)(1) land use application*

An applicant is required to submit an application form which includes applicant's name, subject property, brief description of the proposal and signatures of the applicant(s), owner(s) of the subject property and/or those duly authorized to represent them.

The subject property contains five tax lots (083W14CB / 2301, 2400, 2401, 2500, and 2501) as one legal unit of land. The applicant was a party to a previously approved tentative partition application, which would divide the subject property into three parcels. The applicant has not yet filed the final land division map (Plat), therefore the five tax lot are still one legal property. Since the partition has not been finalised, the land area is owned by Empire Builders of Oregon LLC (James Helton), Mountain West Investment Corporation, and JCT Construction Group LLC (Mark Hoyt, James Tokarski, James Cain). The application forms submitted by the applicant listed Empire Builders of Oregon LLC as the applicant. However, the applications only contained the signature of James Helton (Empire Buildings of Oregon LLC). Signature authority was not provided by all owners of the subject property authorizing James Helton to file the application on their behalf.

Staff requested current ownership information from the applicant on January 27, 2021 to verify required property owner signatures on the land use applications. On January 29, 2021, the applicant provided written notice stating no additional information would be provided, pursuant to ORS 227.178(2)(c), and requested that the applications be deemed complete as submitted. The applications were deemed complete for processing on January 29, 2021 without the signatures of Mountain West Investment Corporation, and JCT Construction Group LLC (Mark Hoyt, James Tokarski, James Cain). The land use applications do not meet the submittal requirements of SRC 300.210(A)(G).

*SRC 300.210(a)(2), recorded deed/land sales contract with legal description.*

Pursuant to SRC 300.210(a)(2), a recorded deed or land sales contract with legal descriptions is required to be submitted with land use applications. The Marion County Assessor's site lists the owners of the subject property as Empire Builders of Oregon LLC (James Helton), Mountain West Investment Corporation, and JCT Construction Group LLC (Mark Hoyt, James Tokarski, James Cain). The deed submitted by the applicant is not the latest deed and does not reflect current ownership.

The recorded deed submitted with the land use applications does not meet the submittal requirements of SRC 300.210(a)(2).

SRC 300.210(a)(4), pre-application conference written summary or copy of an approved pre-application conference waiver.

Pursuant to SRC 300.100, Table 300-2, a pre-application conference is required for a variance land use application. Records indicate no pre-application conference has been requested for the variance and no approved pre-application conference waiver was submitted by the applicant. Therefore; the variance land use application does not meet the submittal requirements of SRC 300.210(a)(4).

SRC 300.210(a)(5), a statement as to whether any City-recognized neighborhood associations whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact.

and

SRC 300.210(a)(6), proof that the required neighborhood association contacted has been provided

The applicant is required by SRC 300.210(a)(6) to provide a copy of an email or letter to the Neighborhood Association, meeting SRC 300.210(a)(5). The subject property is located within the South Gateway Neighborhood Association. The application form that was submitted for the variance indicates the neighborhood association has not been contacted (**Attachment F**).

The applicant did not provide, as the required materials under SRC 300.210(a)(5), that they had contacted the South Gateway Neighborhood Association in advance of filing the variance application.

Therefore; the variance land use application, as submitted, does not meet the requirements of SRC 300.210(a)(5) and (6).

SRC 245.005(c), submittal requirements.

In addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for a variance shall include a site plan indicating future and existing development, trees, and landscaping.

The applicant's site plan indicates a driveway approach and single-family dwelling are proposed for a portion of a lot (Parcel 1) that was approved under Partition Case No. PAR19-11. However, the partition plat has not been recorded, therefore, Parcel 1 is currently not a legal parcel and the applicant's site plan only shows a small portion of proposed Parcel 1 which is a lot configuration that is nonexistent. The applicant has not provided any details about their future plans for the remainder of proposed Parcel 1, which makes an analysis of the proposal difficult.

The applicant has been advised to submit a subdivision application for proposed Parcel 1, which will allow staff to determine if this portion of the lot can be served by an access from the west side of the creek. The applicant has also been advised that another route open to them would be to request Comprehensive Plan Map and Zone Change to a zone that can be accessed in conformance with the code. As well as, a Conditional Use approval to allow access for a single-family dwelling across the IC zone. The development, as submitted, is not allowed.

Staff notified the applicant on January 27, 2021 that the site plan does not reflect the total site area and dimensions as required under SRC 245.005(c)(1) and requested a revised site plan. On January 29, 2021, the applicant provided written notice stating no additional information would be provided pursuant to ORS 227.178(2)(c) and requested that the applications be deemed complete as submitted. The applications were deemed complete for processing on January 29, 2021. The site plan submitted with the variance application does not meet the additional submittal requirements of SRC 245.005(c)(1).

*SRC 804.035(d) submittal requirement*

SRC 804.035(d) provides that the spacing of a driveway approach providing direct access to a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline. The proposed driveway approach is less than 370 feet from the intersection of Mildred Lane SE and Woodside Drive SE. Additionally, land use case number DR-CU-SPR-ADJ-DAP20-02 approved a driveway for the legal unit of land (subject property), for a multiple family development, that will provide approximately 150 feet of spacing from the proposed driveway. This equates to a 60% adjustment to the standard and requires a Class 2 Zoning Adjustment application with findings of how the proposal meets the criteria of SRC 250.005(d)(2). Staff notified the applicant on January 27, 2021 that SRC 804.035(d) could not be justified under a variance that that a Class 2 Adjustment application was required with findings of how the proposal meets the criteria of SRC 250.005(d)(2). On January 29, 2021, the applicant provided written notice stating no additional information would be provided pursuant to ORS 227.178(2)(c) and requested that the applications be deemed complete as submitted. The applications were deemed complete for processing on January 29, 2021. The applicant did not provide an application nor findings for a Class 2 Adjustment. This standard is not met.

## **7. Analysis of Criteria for Variances**

SRC Chapter 245.005(a) provides that, unless otherwise provided in the UDC, buildings, structures, or land shall not be developed contrary to the applicable development standards of the UDC unless a variance has been granted pursuant to this Chapter.

The applicant has requested a variance to SRC 804.035, access onto major and minor arterials.

SRC Chapter 245.005(d) establishes the following approval criteria for a variance:

**SRC 245.005(d)(1): There is an unreasonable hardship or practical difficulty created by the physical characteristics of the land.**

**Applicant's Finding:** The complete written statement provided by the applicant is included in this report as **Attachment C**. In summary, the hardship or practical difficulties identified by the applicant relate to the location of the proposal within the eastern portion of Parcel 1 of approved Partition 19-11 and the location of Waln Creek on the subject property. The applicant argues that access to a local street will not be feasible due to the creek and the cost of impacts on the riparian corridor that include removal of trees and required fill and grading. The applicant also argues that access onto Mildred Lane SE, designated a Minor Arterial street on the Salem Transportation System Plan, is necessary due to the shape of the site, the developed surrounding properties, the location of Waln Creek, and the subject property not having access to a local or collector street. The applicant has requested a variance to SRC 804.035(a) and (c).

**Staff Finding:** The subject property is approximately 7.6 acres in size and is currently vacant. Partition Case No. PAR19-11 approved subdividing the 7.6-acre parcel into three smaller parcels, however, the partition plat has not been recorded, therefore, Parcel 1 is currently not a legal parcel. Additionally, the applicant's site plan illustrates a lot configuration that is nonexistent and therefore, not a legal lot. The development, as submitted, is not allowed. SRC 804.035(a)(2)(B) and (C) provides that no driveway approach is allowed onto a major or minor arterial unless the development does not abut a local or collector street; or the development cannot be feasibly served by access onto a local or collector street.

The applicant's findings are incorrect. In its current legal property configuration, the subject property has direct street frontage onto Flairstone Drive SE, designated a Local street on the Salem Transportation System Plan and can feasibly be served by access onto Flairstone Drive SE. The site layout is under the control of the applicant when developing the site, any hardship resulting from the layout of the site would be a result of the actions of the applicant. Therefore, no unreasonable hardship or practical difficulty created by the physical characteristic of the land prevent the subject property from taking access onto Flairstone Drive SE.

Pursuant to SRC 804.035(c)(3), no access shall be provided onto a major or minor arterial from a single family or two-family use constructed as part of a subdivision or partition. Partition Case No. PAR19-11 approved subdividing the 7.6-acre parcel into three smaller parcels. The applicant is proposing to take access onto Mildred Lane SE, a minor arterial, from a single-family use constructed as part of partition PAR19-11. However, the partition plat has not been recorded, therefore, Parcel 1 is currently not a legal parcel. Additionally, the



applicant's site plan illustrates a lot configuration that is nonexistent and therefore, not a legal lot. The development, as submitted, is not allowed and therefore, access onto Mildred Lane SE for the proposed single-family use is not allowed pursuant to SRC 804.035(c)(3).

In summary, the applicant has not adequately addressed how the subject property has an unreasonable hardship or practical difficulty created by the physical characteristics of the land, therefore; this criterion is not met.

**SRC 245.005(d)(2): The variance will not result in adverse effects that are unreasonably detrimental to the public health, safety, and welfare or to property or improvements in the vicinity.**

**Applicant's Finding:** The complete written statement provided by the applicant is included in this report as **Attachment C**. In summary, the applicant argues that granting the variance will not affect the public health, safety, and welfare, or the comfort and convenience of owners in the vicinity. The applicant also argues that the proposed single-family dwelling does not have direct access to a local or collector street and cannot share access and that the proposed driveway is necessary for development of the home and that the driveway will meet Public Works Design Standards.

**Staff Finding:** The criteria for driveways in SRC 804.025(d) requires that a proposed driveway approach does not create traffic hazards and provides for safe turning movements and access. Table 3-1 of the Salem Transportation System Plan classifies a minor arterial street as a high capacity street that primarily serves regional and intracity travel with an Average Daily Traffic (ADT) count of 7,000 to 20,000 vehicles. The proposed driveway access for the single-family use onto Mildred Lane SE, a high capacity street, is not allowed pursuant to SRC 804.035, as it would not provide for safe turning movements and access and could potentially create traffic hazards.

The applicant's findings are incorrect. In its current configuration, the subject property has direct street frontage onto Flairstone Drive SE, designated a Local street on the Salem Transportation System Plan, therefore, direct access to a local street is available.

In summary, the applicant has not adequately addressed how the variance to SRC 804.035 will not result in adverse effects that are unreasonably detrimental to the public health, safety, and welfare or to property or improvements in the vicinity. The proposal does not meet this criterion.

## **8. Analysis of Class 2 Driveway Approach Permit Approval Criteria**

Pursuant to SRC 804.025(a), a Class 2 driveway approach permit is required for:

- (1) A driveway approach onto a parkway, major arterial, or minor arterial;

- (2) A driveway approach onto a local or collector street providing access to a use other than single family or two family;
- (3) A driveway approach providing access to a corner lot that abuts only local or collector streets, where the driveway approach will provide access onto the street with the higher street classification; or
- (4) Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.

A Class 2 Driveway Approach Permit is required for this proposal pursuant to SRC 804.025(a)(1) because the proposed driveway approach for a single-family residential use will provide access on to Mildred Lane SE, classified a Minor Arterial street on the Salem Transportation System Plan (TSP).

The approval criteria for a Class 2 Driveway Approach Permit are found in SRC 804.025(d); findings for the proposed driveway accesses onto Mildred Lane SE are included below.

Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

**Applicant's Finding:** The complete written statement provided by the applicant is included in this report as **Attachment C**. In summary, the applicant states the subject property is located on the north side of Mildred Lane SE and is the eastern portion of Parcel 1 of approved Partition 19-11. There is currently a building permit in for the subject property, Permit No. 20-113775 (1355 Mildred Lane SE) and the proposed single-family dwelling will have direct access onto Mildred Lane that runs along the south property line of the site. Mildred Lane is designated as a minor arterial street on the Salem Transportation System Plan. The applicant argues the subject property does not have access to a Local street and that approval of a driveway onto Mildred Lane is necessary for development of this home, and the proposed driveway will meet Public Works Design Standards.

**Staff Finding:** The applicant's findings are incorrect. The proposed driveway onto Mildred Lane SE does not meet the standards for SRC 804 and the Public Works Design Standards. SRC 804.035(a)(2)(B) prohibits access onto a minor arterial if the development abuts a Local street. The applicant is proposing to take access onto Mildred Lane SE from the eastern portion of Parcel 1 of approved Partition 19-11. However, the partition plat has not been recorded, therefore, Parcel 1 is currently not a legal parcel. Additionally, the applicant's site plan for the proposed single-family dwelling illustrates a lot configuration that is nonexistent and therefore, not a legal lot. In its current configuration, the subject property has direct street frontage onto Flairstone Drive SE, designated a Local street on the Salem Transportation System Plan, therefore; direct access to a local street is available. In its current configuration, the subject property has

direct street frontage onto Flairstone Drive SE, designated a Local street on the Salem Transportation System Plan, therefore; direct access to a local street is available.

The proposed driveway approach is to a Minor Arterial street and therefore shall meet the standards found in SRC 804.035. The proposed development is not part of a complex; therefore, SRC 804.035(a)(1) is not met. The current legal parcel abuts Woodside Drive SE (a Local street). The applicant's findings fail to show there is an unreasonable hardship or practical difficulty created by the physical characteristics of the land that would preclude accessing the Local street; therefore SRC 804.035(a)(2) is not met.

Pursuant to SRC 804.035(b), the driveway approach shall meet the Traffic Volume Threshold for a Minor Arterial street. A single-family home will generate less than 10 vehicle trips per day according to the Institute of Traffic Engineers (ITE) "Trip Generation Manual" 10<sup>th</sup> Edition. The proposed use of a single-family dwelling does not meet the threshold of generating 30 or more vehicle trips per day and the driveway approach does not provide access to a city park. This standard is not met.

Pursuant to SRC 804.035(c)(2), the driveway approach shall take access from the lowest classification of street abutting the property for corner lot. This standard is not met.

Pursuant to SRC 804.035(c)(3), "No access shall be provided onto a major or minor arterial from a single-family or two-family use constructed as part of a subdivision or partition." This standard is not met.

Pursuant to SRC 804.035(c)(4), a Minor Arterial access shall allow only forward-in/forward-out movements. The proposed site plan shows a driveway that requires vehicles to back out into Mildred Lane SE. This standard is not met.

Pursuant to SRC 804.035(d), "Driveway approaches providing direct access to a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline." The proposed driveway approach is less than 370 feet from the intersection of Mildred Lane SE and Woodside Drive SE. Additionally, land use case number DR-CU-SPR-ADJ-DAP20-02 approved a driveway, for a multiple family development, that will provide approximately 150 feet of spacing from the proposed driveway. This equates to a 60% adjustment to the standard and requires a Class 2 Zoning Adjustment application with findings of how the proposal meets the criteria of SRC 250.005(d)(2). The applicant did not provide an application nor findings for the Class 2 Adjustment. This standard is not met.

The proposal does not meet this criterion.

Criterion 2:

No site conditions prevent placing the driveway approach in the required location.

**Applicant's Finding:** The location of the dwelling and driveway was taken into consideration prior to laying the site out. Access onto surrounding streets is not feasible due to the location of Wain Creek to the west and the apartments to the east. The location of the proposed driveway takes into consideration the location of existing uses and existing streets adjacent to the site. Therefore, all factors were taken into consideration and there are no conditions on the site that prevent the driveway approach from being approved.

**Staff Finding:** The proposed development is bordered on the west by Wain Creek and the proposed driveway approach is placed close to the eastern boundary. SRC 804.035(a)(2)(B) does not allow a driveway approach onto a major or minor arterial if the development is not a complex and abuts a local or collector street. The proposed driveway approach for a single-family use is for access onto a Minor Arterial street when Local street frontage is available. Therefore, there are no site conditions prohibiting placing the location of the proposed driveway along Local street frontage, as required by code. The proposal does not meet this criterion.

Criterion 3:

The number of driveway approaches onto an arterial are minimized.

**Applicant's Finding:** The applicant states there is only one driveway proposed onto an arterial meeting this criterion.

**Staff Finding:** The existing property has an approved driveway approach to the Minor Arterial under CU-SPR-DAP-DR20-06. The proposed driveway adds a second access to an arterial street. However, the subject property has direct frontage onto Flairstone Drive SE, a Local street. The Local street frontage allows the driveway approach to be located on the Flairstone Drive SE frontage instead of onto a Minor Arterial street. The proposal does not meet this criterion.

Criterion 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.

**Applicant's Finding:** The complete written statement provided by the applicant is included in this report as **Attachment C**. In summary, the applicant states the subject property is located on Mildred Lane (arterial) to the south and that access to adjacent streets is not available and/or feasible. The applicant argues that the possibility of sharing an accessway with the apartments to the east is not

possible due to zoning differences. Therefore, there are no lower classified streets adjacent to the site.

**Staff Finding:** The property, as existing, abuts Woodside Drive SE, a Local street. The proposed driveway approach does not propose to take access to Woodside Drive SE due to future plans for a multi-family development previously approved under CU-SPR-DAP-DR20-06. The driveway access is proposed to be taken from Mildred Lane SE, a Minor Arterial street. The subject property has direct street frontage off Flairstone Drive SE, a Local street. Therefore, the driveway approach access is not being proposed from the lowest classification of street abutting the subject property. This criterion is not met.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

**Applicant's Finding:** The applicant states that as shown on the site plan, the proposed driveway does not create any vision clearance issues and is in the most feasible location and meets vision clearance standards, meeting this criterion.

**Staff Finding:** The proposed driveway approach will meet the PWDS vision clearance standards set forth in SRC Chapter 805.

Criterion 6:

The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

**Applicant's Findings:** The applicant states that the driveway approach does not create traffic hazards as shown on the site plan, meeting this criterion.

**Staff Finding:** The proposed site plan shows a driveway that requires vehicles to back out onto Mildred Lane SE (a Minor Arterial). Table 3-1 of the Salem Transportation System Plan classifies a minor arterial street as a high capacity street that primarily serves regional and intracity travel with an Average Daily Traffic (ADT) count of 7,000 to 20,000 vehicles. The proposed driveway access for the single-family use onto Mildred Lane SE, a high capacity street, is not allowed pursuant to SRC 804.035. Further, the applicant's site plan does not show adequate turnaround onsite which would result in vehicles having to back out onto Mildred Lane SE. Backing out onto a high capacity street would not provide for safe turning movements and access and could potentially create traffic hazards. This criterion is not met.

Criterion 7:

The proposed driveway approach does not result in significant adverse impacts to the vicinity.

**Applicant's Finding:** The applicant argues that no adverse impacts to the vicinity have been identified. As shown on the site plan, the location of the driveway will not have any impacts on the subject property or adjacent properties and that this criterion has been met.

**Staff Finding:** Staff analysis of the proposed driveway indicate that impacts will be limited to the approach location and the proposal does not result in significant adverse impacts to the vicinity.

Criterion 8:

The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

**Applicant's Finding:** The applicant states the driveway approach is in the required location to minimize impacts to adjacent streets and intersection and as shown on the site plan, meets this criterion.

**Staff Finding:** The proposed driveway approach will have minimal impact to adjacent streets and intersections.

Criterion 9:

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

**Applicant's Finding:** The complete written statement provided by the applicant is included in this report as **Attachment C**. In summary, the applicant states the driveway approach is in the required location to help balance the adverse impacts to residentially zoned property and takes into consideration the location of the streets adjacent to the site, the riparian corridor, the location of Waln Creek, adjacent uses, and access onto Mildred Lane, therefore, meeting this criterion.

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

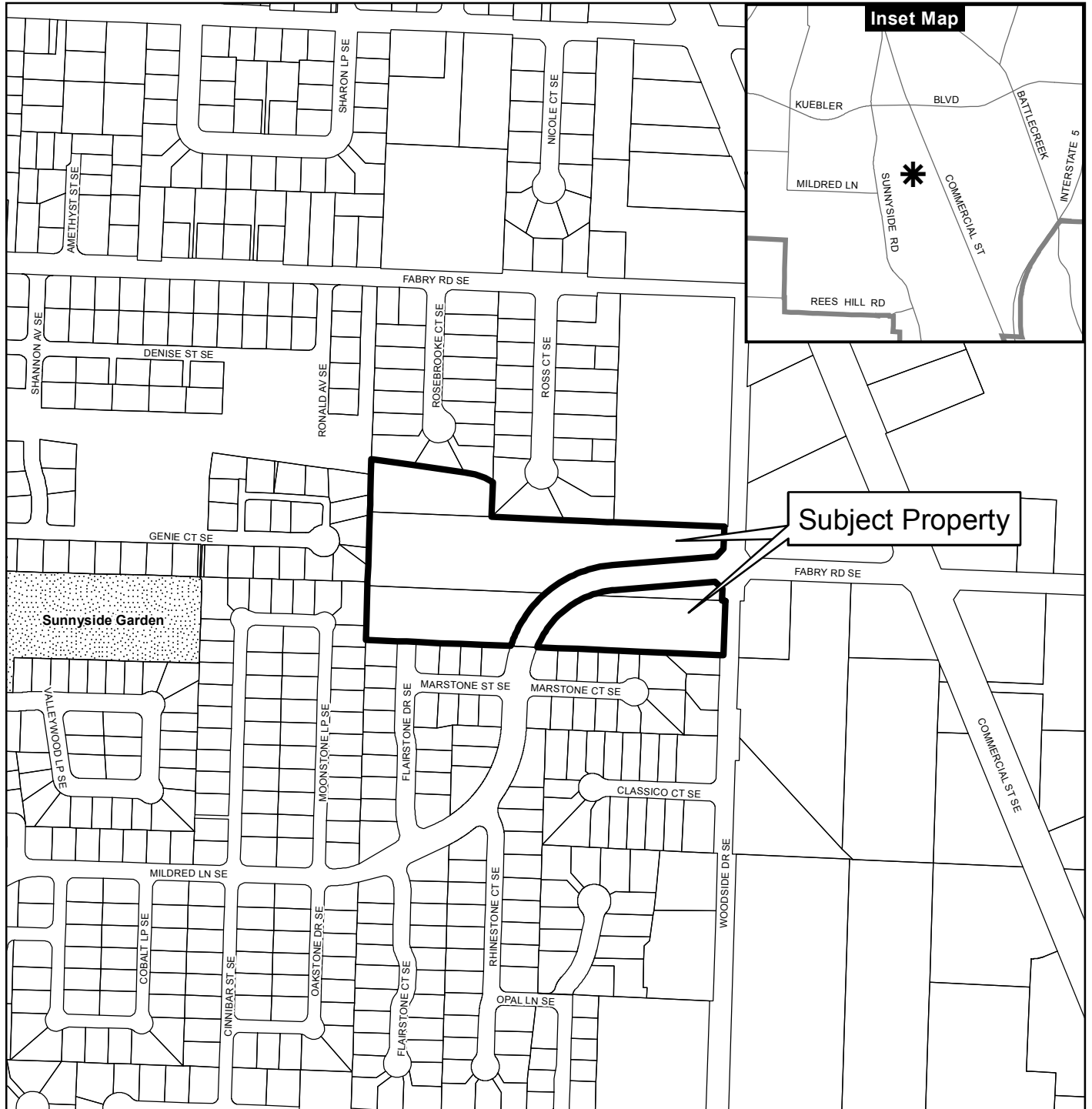
## **RECOMMENDATION**

Based on the Facts and Findings presented in this staff report, staff recommends the Hearings Officer **DENY** the request for a variance and driveway approach permit to allow a driveway approach onto Mildred Lane SE, a Minor Arterial Street, where a driveway is not allowed for a single-family residential use, for property approximately 7.6 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).








- Attachments:
- A. Vicinity Map
  - B. Applicant's Site Plan
  - C. Applicant's Written Statement
  - D. PAR19-11 Tentative Plan
  - E. Public Works Memo
  - F. Variance Application

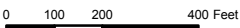
Prepared by: Sally Long, Planner I

# Vicinity Map 1355 Mildred Lane SE



**Legend**

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

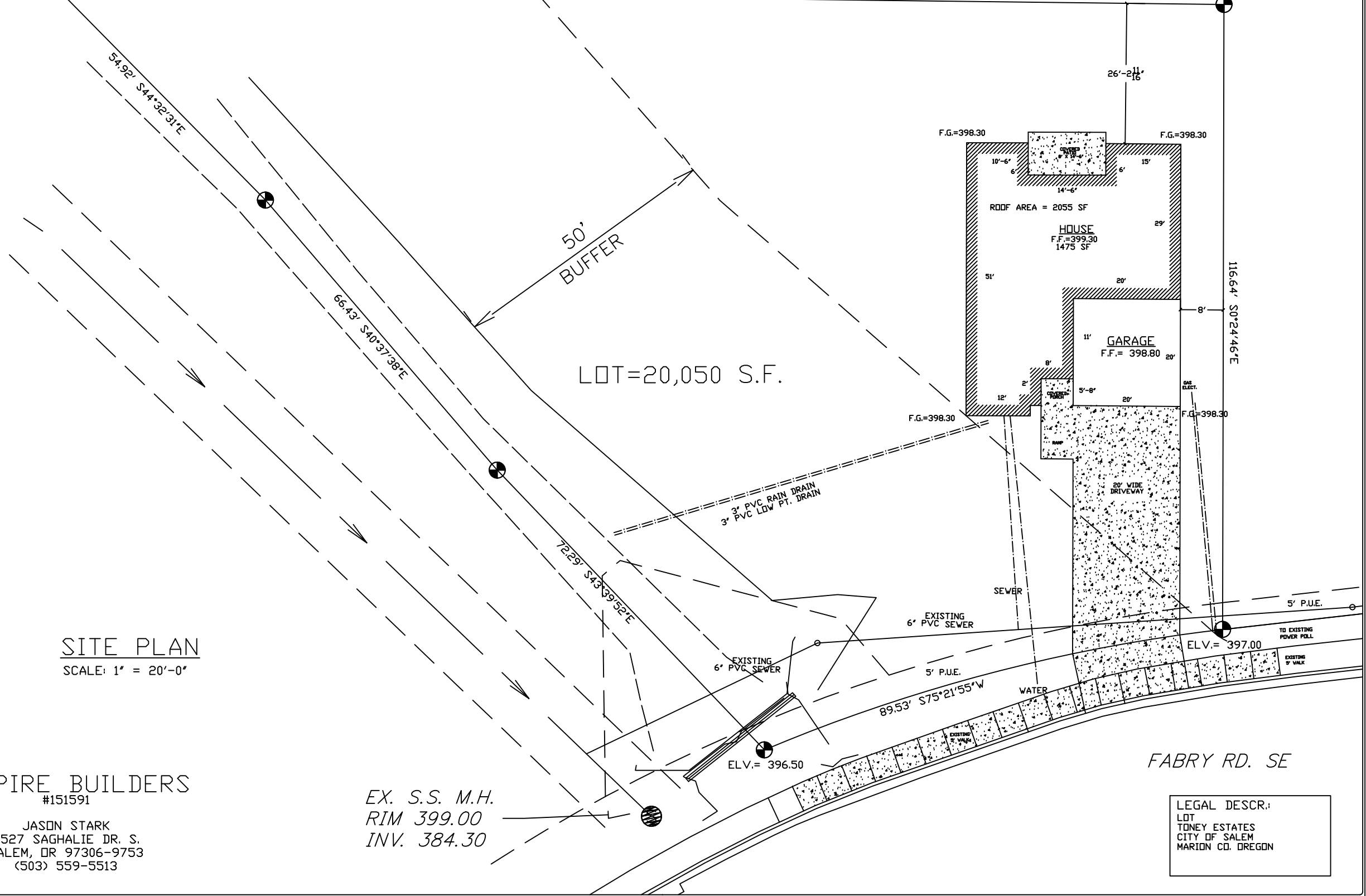


This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.





ELV.= 396.90 217.58' S89°18'52"E ELV.= 397.90



SITE PLAN  
SCALE: 1" = 20'-0"

EMPIRE BUILDERS  
#151591  
JASON STARK  
8527 SAGHALIE DR. S.  
SALEM, OR 97306-9753  
(503) 559-5513

EX. S.S. M.H.  
RIM 399.00  
INV. 384.30

FABRY RD. SE

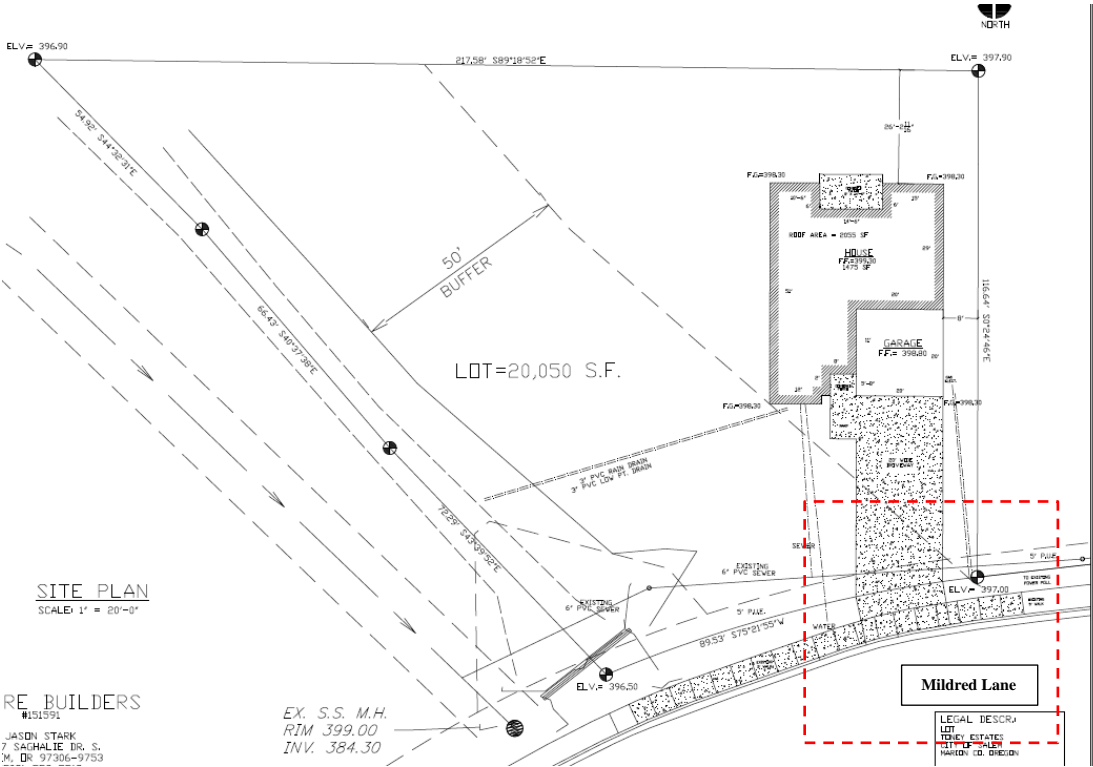
LEGAL DESCR.:  
LOT  
TONEY ESTATES  
CITY OF SALEM  
MARION CO. OREGON

# Mildred Lane Variance

**Proposal:**

The subject property is located on the north side of Mildred Lane SE and identified as 083W14CB/Tax Lot 2400. The subject property is the eastern portion of Parcel 1 of approved Partition 19-11. There is currently a building permit in for the subject property, Permit No. 20-113775 (1355 Mildred Lane SE).

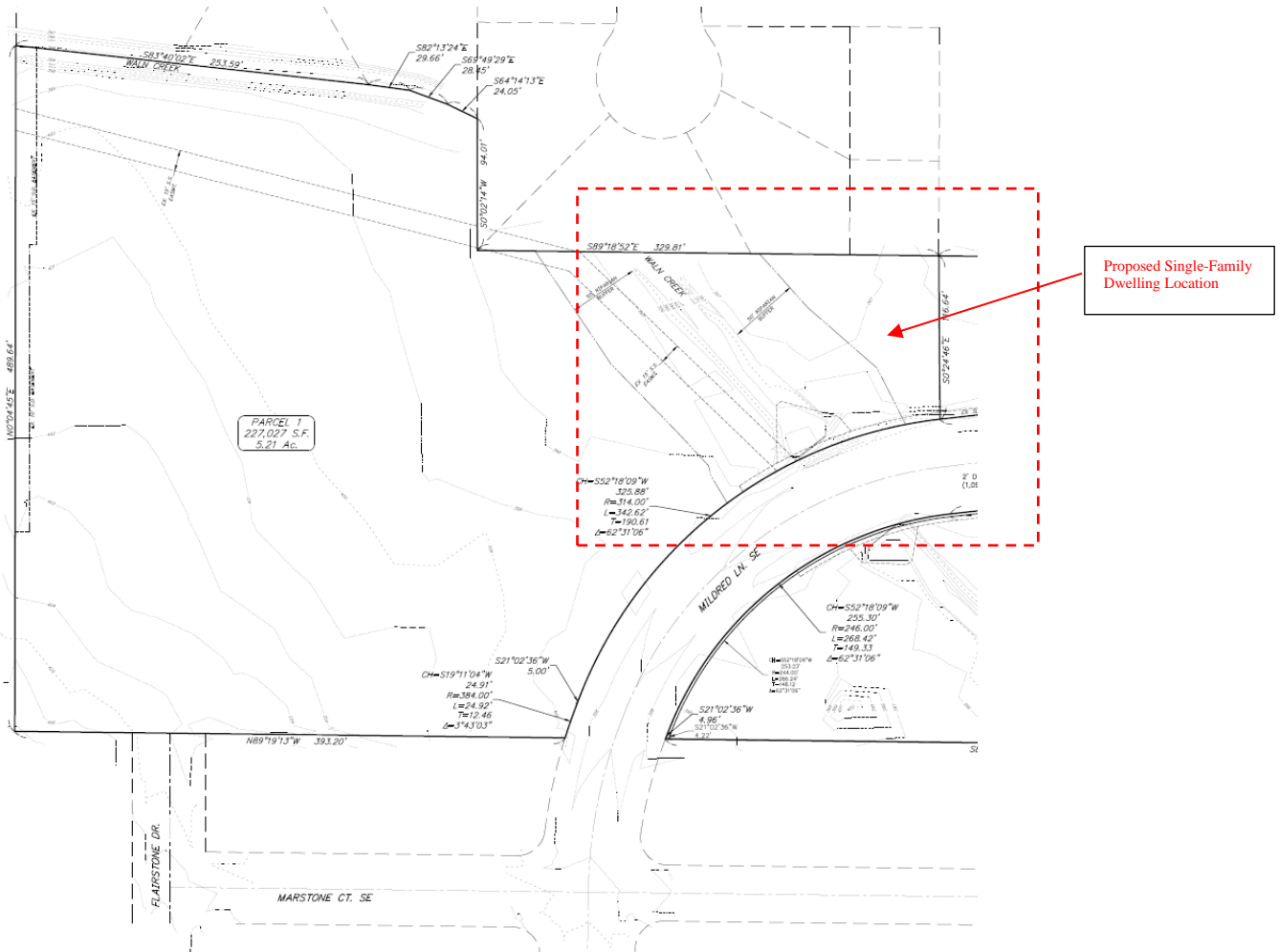
The proposed single-family dwelling will have direct access onto Mildred Lane that runs along the south property line of the site. Mildred Lane is designated as a 'minor arterial' street on the Salem Transportation System Plan. Therefore, a variance to SRC 804.035(a) and (c)3 have been requested.



**Variance Criteria Section 245.005(d):**

**(1) There is an unreasonable hardship or practical difficulty created by the physical characteristics of the land.**

**Findings:** The subject property is part of a larger parcel that has Waln Creek dividing it. The subject property is the eastern portion of Parcel 1 of approved Partition 19-11.



The western portion of the site may be further developed at a future time, but even when that happens access to a local street will not be feasible because of the location of Waln Creek. Crossing Waln Creek for future access is not feasible due to cost and the impacts on the riparian corridor it would create (removal of trees and required fill/grading). Therefore, access to a local or collector street is not feasible or available.

The applicant did look at the possibility of sharing an accessway with the apartments to the east. But due to zoning differences, was not able to make this happen in compliance with code.

The location of the dwelling and driveway was taken into consideration prior to laying the site out. Access onto surrounding streets is not feasible due to the location Waln Creek to the west and the apartments to the east. The location of the proposed driveways take into consideration the location of existing uses and existing streets adjacent to the site. Therefore, all factors were taken into consideration and there are no conditions on the site that prevent the driveway approach from being approved.

Due to the shape of the site, the developed surrounding properties, and the location of Waln Creek, the subject property does not have access to a local or collector street. Therefore, creating a hardship for proving access in compliance with this code section.

The applicant has met applicable Code sections. The applicant is requesting a variance to SRC 804.035.

**Sec. 804.035. - Access onto major and minor arterials.**

**(a) Number of driveway approaches.**

**(1) Except as otherwise provided in this chapter, a complex shall be entitled to one driveway approach onto a major or minor arterial. Additional driveway approaches for a complex may be allowed where:**

- (A) A complex has more than 370 feet of frontage abutting a major or minor arterial;**
- (B) There is a shared access agreement between two or more complexes;**
- or**
- (C) It is impracticable to serve the complex with only one driveway approach.**

Findings: SRC 804.035(a) is not applicable to this development.

**(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.**

Findings: The subject property does not have access to a local or collector street. The western portion of the site may be further developed at a future time, but even when that happens access to a local street will not be feasible because of the location of Waln Creek. Crossing Waln Creek for future access is not feasible due to cost and the impacts on the riparian corridor it would create. Therefore, access to a local or collector street is not feasible or available. The applicant did look at the possibility of sharing an access with the apartments to the east. But due to zoning difference, was not able to make this happen in compliance with code. Therefore, sharing an accessway is not feasible as well.

Therefore, since the proposed single-family dwelling does not have access to a local or collector street and cannot share access, the approval of a driveway onto Mildred Lane is necessary for the development of this home. A home that is being built for a disabled family and is needed now. The proposal is in compliance with SRC 804.035(a)(2) and has shown how the location of the location of Waln Creek and the shape of the lot create a hardship in providing access onto a local or collector street.

**(c) Permitted access.**

**(3) No access shall be provided onto a major or minor arterial from a single family or two-family use constructed as part of a subdivision or partition.**

Findings: The subject property is part of a larger parcel that has Waln Creek dividing it. The subject property is the eastern portion of Parcel 1 of approved Partition 19-11. The partitioning the property did not impact access to the property. Even if the property remained as one large parcel, the proposed single-family dwelling would still have difficulty in providing access to a local or collector street. Therefore, this criteria is not applicable to the subject property.

**(2) The variance will not result in adverse effects that are unreasonably detrimental to the public health, safety, and welfare or to property or improvements in the vicinity.**

Findings: The granting of the variance will not affect the public health, safety, and welfare, or the comfort and convenience of owners in the vicinity of the proposed subdivision. All resident vehicles and emergency vehicles will continue to have safe and efficient access through the neighborhood.

The proposal provides the site with adequate improved vehicle, pedestrian, and bike access to Mildred Lane. The major street system is in place due to prior development. Several existing single-family dwellings in the neighborhood already access directly onto Mildred Lane.

Since the proposed single-family dwelling does not have direct access to a local or collect street and cannot share access, the approval of a driveway onto Mildred Lane is necessary for the development of this home. A home that is being built for a disabled family and is needed housing.

The proposed driveway will meet Public Works design standards.

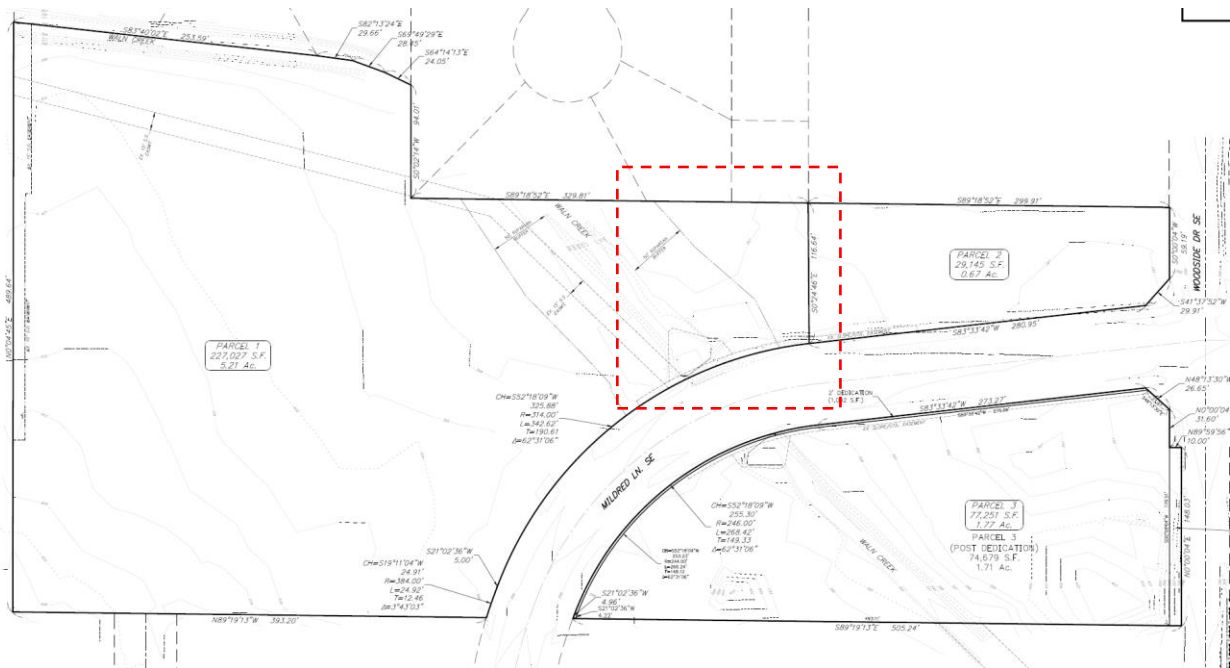
---

**Class 2-Driveway Approach Permit**  
**December 3, 2020**

**SRC 804.025 (d) 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;***

Applicant Findings: The subject property is located on the north side of Mildred Lane SE and identified as 083W14CB/Tax Lot 2400. The subject property is the eastern portion of Parcel 1 of approved Partition 19-11. There is currently a building permit in for the subject property, Permit No. 20-113775 (1355 Mildred Lane SE).



The proposed single-family dwelling will have direct access onto Mildred Lane that runs along the south property line of the site. Mildred Lane is designated as a 'minor arterial' street on the Salem Transportation System Plan.

SRC Section 804.035(a)(2) states:

- (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 subject property does not have access to a local or collector street. The western portion of the site may be further developed at a future time, but even when that happens access to a local street will not be feasible because of the location of Waln Creek. Crossing Waln Creek for future access is not feasible due to cost and the impacts on the riparian corridor it would create. Therefore, access to a local or collector street is not feasible or available.

The applicant did look at the possibility of sharing an access with the apartments to the east. But due to zoning difference, was not able to make this happen in compliance with code. Therefore, sharing an accessway is not feasible as well.

Therefore, since the proposed single-family dwelling does not have access to a local or collector street and can not share access, the approval of a driveway onto Mildred Lane is necessary for the development of this home. A home that is being built for a disabled family and is needed now.

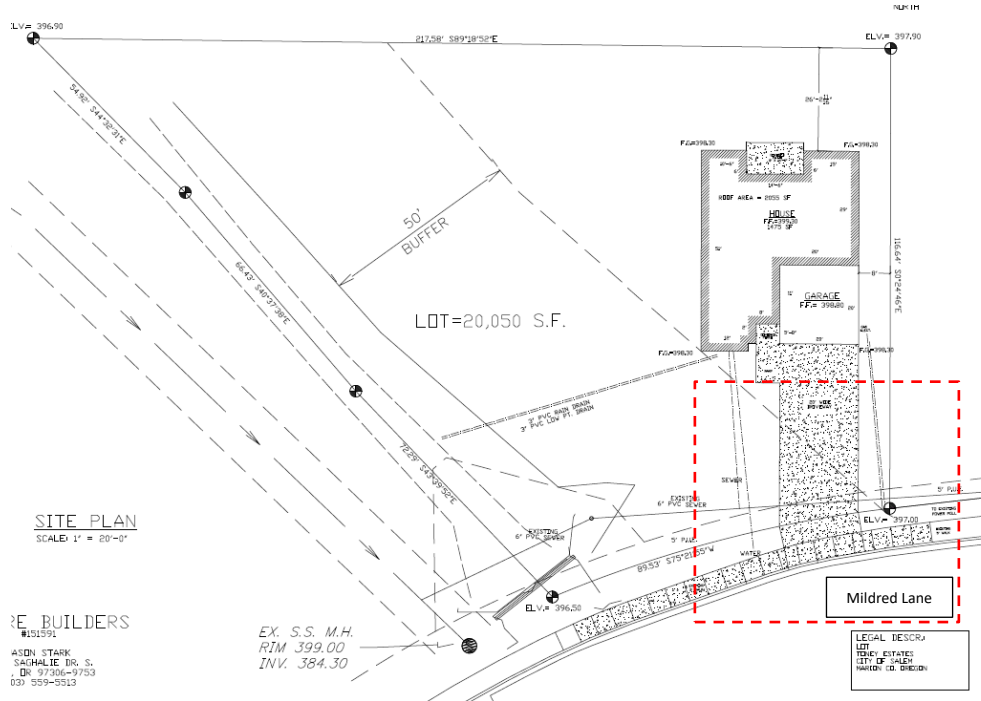
The proposed driveway will meet Public Works design standards.

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

Applicant Response: The location of the dwelling and driveway was taken into consideration prior to laying the site out. Access onto surrounding streets is not feasible due to the location Waln Creek to the west and the apartments to the east. The location of the proposed driveways take into consideration the location of existing uses and existing streets adjacent to the site. Therefore, all factors were taken into consideration and there are no conditions on the site that prevent the driveway approach from being approved.

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

Applicant Response: There is only one driveway proposed onto an arterial. Therefore, this criteria has been met.



- (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;**

Applicant Response to (4): The subject property is located on Mildred Lane (arterial) to the south. Access to adjacent streets is not available and/or feasible. Therefore, there are no lower classified streets adjacent to the site.

The applicant did look at the possibility of sharing an accessway with the apartments to the east. But due to zoning difference, was not able to make this happen in compliance with code. Therefore, sharing an accessway is not feasible as well.

Since there are no other streets available to provide feasible access to the site and shared access cannot be accomplished, access onto Mildred Lane for the proposed single-family dwelling is warranted. Therefore, this criterion has been met.

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

Applicant Response: As shown on the site plan, the proposed driveway does not create any vision clearance issues. The driveway approach is in the most feasible location and meets vision clearance standards. As shown on the site plan, this criterion has been met.

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

Applicant Response: The driveway approach does not create traffic hazards. As shown on the site plan, this criterion has been met.



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

Applicant Response: No adverse impacts to the vicinity have been identified. As shown on the site plan, the location of the driveway will not have any impacts on the subject property or adjacent properties. This criterion has been met.

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

Applicant Response: The driveway approach is in the required location to minimize impacts to adjacent streets and intersections. As shown on the site plan, this criterion has been met.

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

Applicant Response: The driveway approach is in the required location to help balance the adverse impacts to residentially zoned property. The location of the proposed driveway takes into consideration the location of the streets adjacent to the site, the riparian corridor, the location of Waln Creek, adjacent uses, and access onto Mildred Lane. As shown on the site plan, this criterion has been met.

The driveway is clearly identifiable, safe, and interconnected. Improved access to the proposed single-family dwelling is required by code. Approval does not adversely affect the safe and healthful development of any adjoining land or access thereto.

Owner/Developer:

**EMPIRE BUILDERS OF OREGON, L.L.C.**

8527 SAGHALIE DR. S.  
SALEM, OREGON 97306

Owner/Developer:

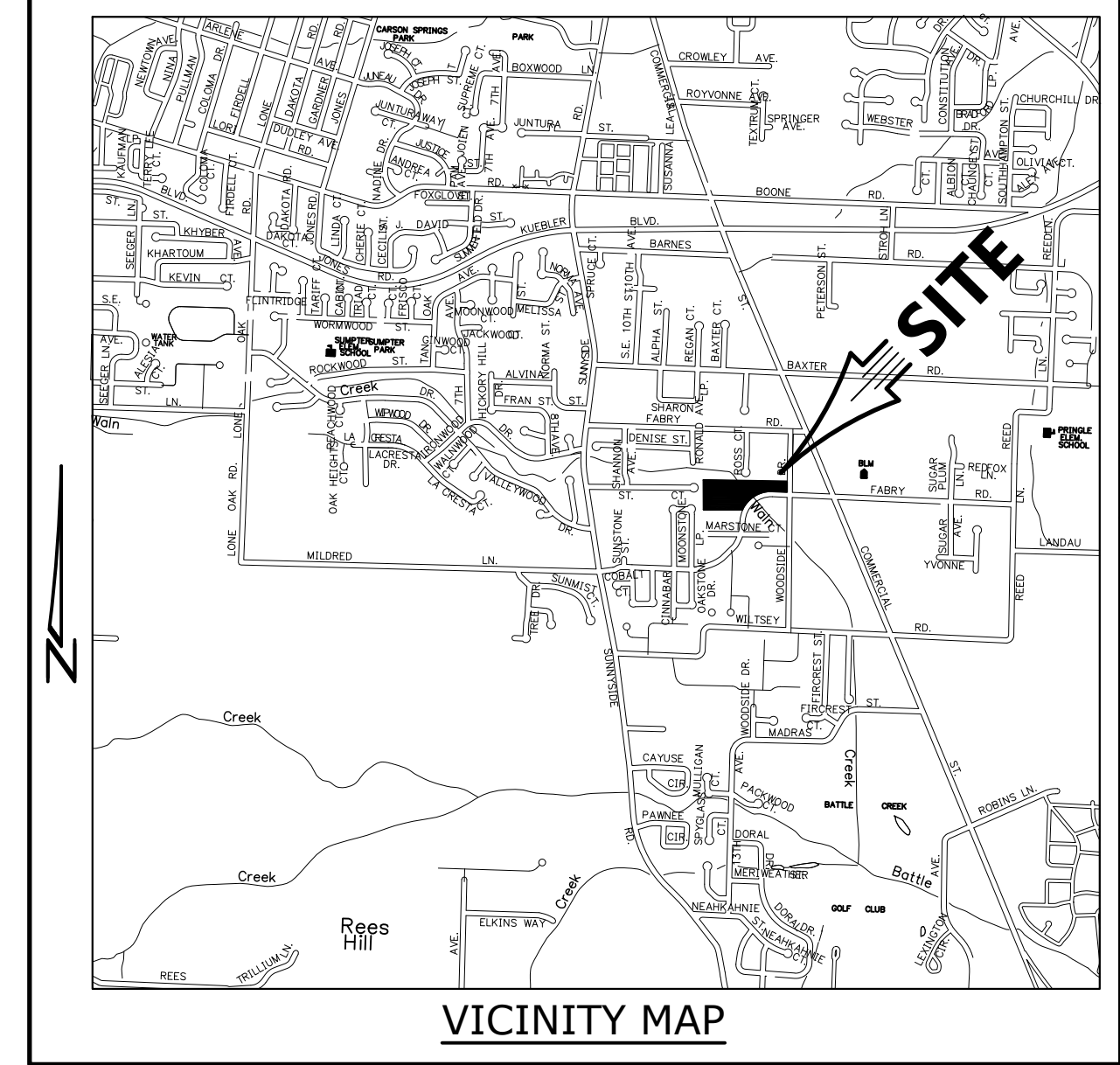
**JCT CONSTRUCTION GROUP, L.L.C.**

201 FERRY ST. S.E., SUITE 400  
SALEM, OREGON 97301

**TONEY ESTATES**

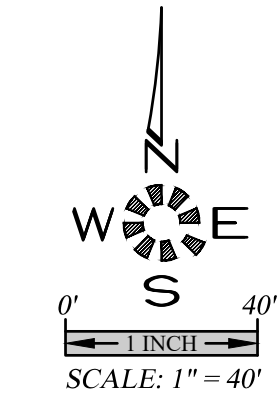
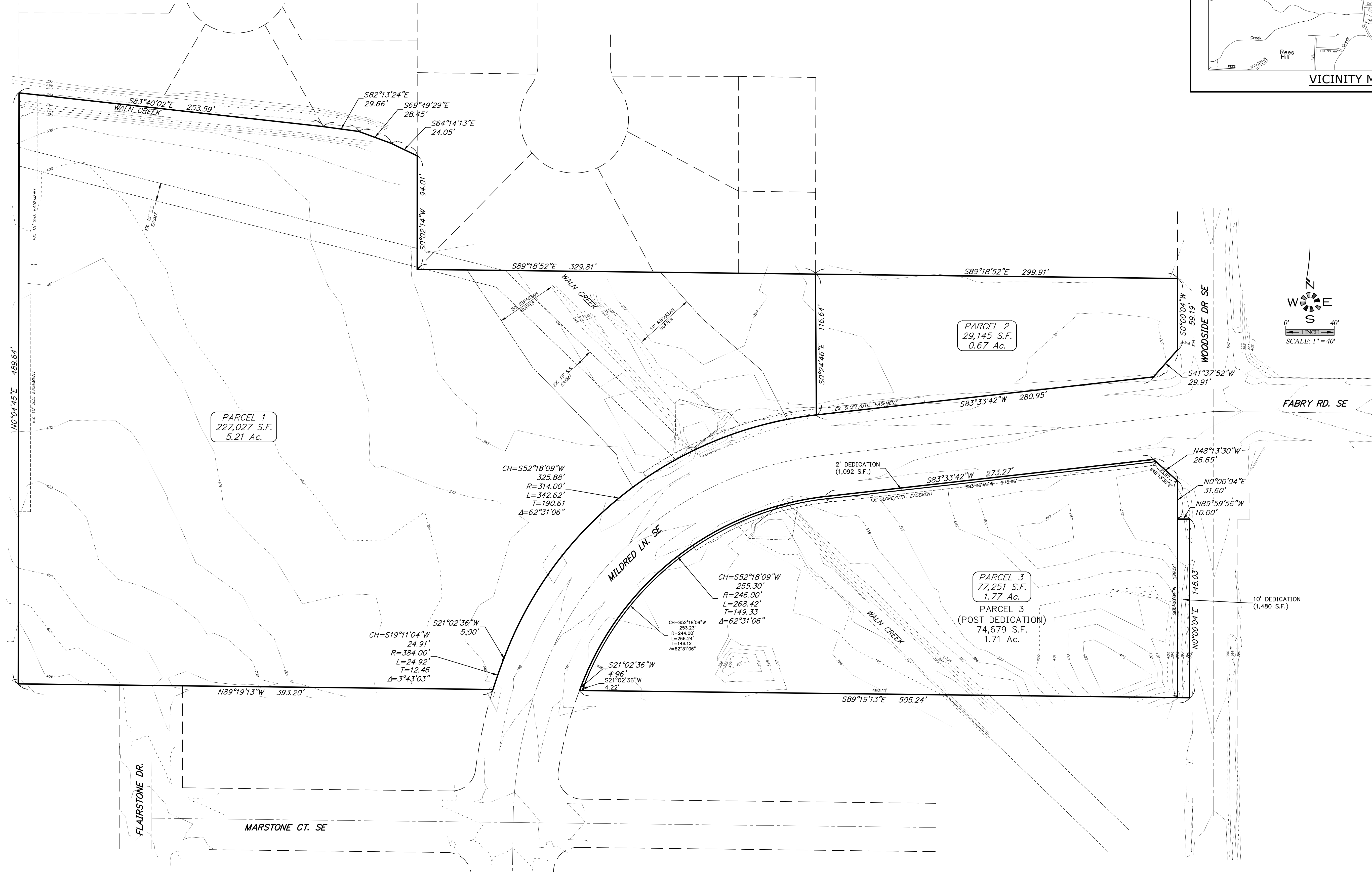
SEC. 14, T. 8 S., R. 3 W., W.M.  
CITY OF SALEM  
MARION COUNTY, OREGON  
TAX MAP: 08W14CB  
LOTS: 2301, 2400, 2500  
5.88 ACRES

**TENTATIVE PARTITION - PAR19-11**



**PROPOSED  
PARTITION 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: P.M.S.  
Checked: M.D.G.  
Date: FEB. 2019  
Scale: AS SHOWN  
As-Built: \_\_\_\_\_




EXPIRES: 06-30-2019  
JOB # 6606

J:\1800-6606\1800-6606-EMP\1800-6606-EMP.dwg - 1/18/2019 11:44:12 AM - 1800-6606



# MEMO

**TO:** Sally Long, Planner I  
Community Development Department

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer  
Public Works Department 

**DATE:** February 16, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATION OF DENIAL  
VAR-DAP21-01 (21-101587 AND 21-101590)  
1355 MILDRED LANE SE  
CLASS 2 DRIVEWAY APPROACH WITH VARIANCE**

## PROPOSAL

A Variance and Class 2 Driveway Approach Permit to allow a driveway approach onto Mildred Lane SE, classified a Minor Arterial Street on the Salem TSP, 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).

## RECOMMENDATION

Public Works staff recommends denial of the proposed driveway.

## SUMMARY OF FINDINGS

1. The proposed driveway approach does not meet all the standards of SRC Chapter 804 as described below and therefore does not meet criterion (1) of SRC 804.025(d).
  - a. This includes a failure to apply for a Class 2 Zoning Adjustment that is required to address spacing under SRC 804.035(d).
2. The proposed driveway does not provide access to the abutting Local street and therefore does not meet criteria (2), (3), and (4) of SRC 804.025(d).
3. The proposed driveway does not provide for forward-in/forward-out movements and therefore does not meet criterion (6) of SRC 804.025(d).

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

## **FACTS**

### **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 Conditions—This street has an approximate 46-foot improvement within a 68-foot-wide right-of-way abutting the subject property.

#### 2. Woodside Drive SE

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

#### 3. Flairstone Avenue SE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 30-foot improvement within a 50-foot-wide right-of-way abutting proposed Parcel 1 of PAR19-11.

## **CRITERIA AND FINDINGS**

Analysis of the development based on relevant criteria in SRC 804.025(d) is as follows:

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

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

**Finding**—The proposed driveway approach is to a Minor Arterial street and therefore shall meet the standards found in SRC 804.035. The proposed development is not part of a complex; therefore, SRC 804.035(a)(1) is not met.

The current legal parcel abuts Woodside Drive SE (a Local street). The applicant's findings fail to show there is an unreasonable hardship or practical difficulty created by the physical characteristics of the land that would preclude accessing the Local street; therefore SRC 804.035(a)(2) is not met.

Pursuant to SRC 804.035(b), the driveway approach shall meet the Traffic Volume Threshold for a Minor Arterial street. A single-family home will generate less than 10 vehicle trips per day according to the Institute of Traffic Engineers (ITE) "Trip Generation Manual" 10<sup>th</sup> Edition. The proposed use of a single-family dwelling does not meet the threshold of generating 30 or more vehicle trips per day and the driveway approach does not provide access to a city park. This standard is not met.

Pursuant to SRC 804.035(c)(2), the driveway approach shall take access from the lowest classification of street abutting the property for corner lot. This standard is not met.

Pursuant to SRC 804.035(c)(3), "No access shall be provided onto a major or minor arterial from a single-family or two-family use constructed as part of a subdivision or partition." This standard is not met.

Pursuant to SRC 804.035(c)(4), a Minor Arterial access shall allow only forward-in/forward-out movements. The proposed site plan shows a driveway that requires vehicles to back out into Mildred Lane SE. This standard is not met.

Pursuant to SRC 804.035(d), "Driveway approaches providing direct access to a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline." The proposed driveway approach is less than 370 feet from the intersection of Mildred Lane SE and Woodside Drive SE. Additionally, land use case number DR-CU-SPR-ADJ-DAP20-02 approved a driveway, for a multiple family development, that will provide approximately 150 feet of spacing from the proposed driveway. This equates to a 60% adjustment to the standard and requires a Class 2 Zoning Adjustment application with findings of how the proposal meets the criteria of SRC 250.005(d)(2). The applicant did not provide an application nor findings for the Class 2 Adjustment. This standard is not met.

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

**Finding**—The proposed development is bordered on the west by Waln Creek. Therefore, the proposed driveway approach is placed close to the eastern boundary. This standard is not met.

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

**Finding**—The existing property has an approved driveway approach to the Minor Arterial under CU-SPR-DAP-DR20-06. The proposed driveway adds a second access to an arterial street. This standard is not met.

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

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

**Finding**—The property as existing abuts Woodside Drive SE, a Local street. The proposed driveway approach does not propose to take access to Woodside Drive SE due to future plans for a multi-family development previously approved under CU-SPR-DAP-DR20-06. This standard is not met.

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

**Finding**—The proposed driveway approach will meet 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;**

**Finding**—The proposed site plan shows a driveway that requires vehicles to back out onto Mildred Lane SE (a Minor Arterial). This standard is not met.

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

**Finding**—Staff analysis of the proposed driveway indicate that impacts will be limited to the approach location and the proposal does not result in significant adverse impacts to the vicinity.

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

**Finding**— The proposed driveway approach will have minimal impact to adjacent streets and intersections.

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

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

Prepared by: Jennifer Scott, Program Manager  
cc: File



**Land Use Application**

**Planning/Permit Application Center**  
 City Hall / 555 Liberty St. SE / Room 320 / Salem, OR 97301-3513  
 503-588-6173 \* [planning@cityofsalem.net](mailto:planning@cityofsalem.net)

(For office use only)  
 Permit #:

If you need the following translated in Spanish, please call 503-588-6256.  
 Si usted necesita lo siguiente traducido en español, por favor llame 503-588-6256.

**Application type**

Please describe the type of land use action requested:

Variance

**Work site location and information**

<b>Street address or location of subject property</b>	1355 Mildred Lane
<b>Total size of subject property</b>	
<b>Assessor tax lot numbers</b>	083W14CB/Tax Lot 2400
<b>Existing use structures and/or other improvements on site</b>	Vacant
<b>Zoning</b>	RA
<b>Comprehensive Plan Designation</b>	Developing Residential
<b>Project description</b>	<u>Variance</u> for a Single Family Dwelling (Permit No. 20-113775) onto Mildred Lane

**People information**

	<b>Name</b>	<b>Full Mailing Address</b>	<b>Phone Number and Email address</b>
<b>Applicant</b>	Empire Builders	8527 Saghale Drive S Salem, Oregon 97306	
<b>Agent</b>	Brandie Dalton Land-Use Consultant	Multi/Tech Engineering 1155 SE 13th Street, Salem, OR 97302	503-363-9227

**Project information**

<b>Project Valuation for Site Plan Review</b>	
<b>Neighborhood Association</b>	
<b>Have you contacted the Neighborhood Association?</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Date Neighborhood Association contacted</b>	
<b>Describe contact with the affected Neighborhood Association</b> <small>(The City of Salem recognizes, values, and supports the involvement of residents in land use decisions affecting neighborhoods across the city and strongly encourages anyone requesting approval for any land use proposal to contact the affected neighborhood association(s) as early in the process as possible.)</small>	
<b>Have you contacted Salem-Keizer Transit?</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Date Salem-Keizer Transit contacted</b>	
<b>Describe contact with Salem-Keizer Transit</b>	



**Authorization by property owner(s)/applicant**

**\*If the applicant and/or property owner is a Limited Liability Company (LLC), please also provide a list of all members of the LLC with your application.**

**Copyright release for government entities:** I hereby grant permission to the City of Salem to copy, in whole or part, drawings and all other materials submitted by me, my agents, or representatives. This grant of permission extends to all copies needed for administration of the City's regulatory, administrative, and legal functions, including sharing of information with other governmental entities.

**Authorizations: Property owners and contract purchasers are required to authorize the filing of this application and must sign below.**

- All signatures represent that they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- I (we) hereby grant consent to the City of Salem and its officers, agents, employees, and/or independent contractors to enter the property identified above to conduct any and all inspections that are considered appropriate by the City to process this application.
- I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property:

**Electronic signature certification:** By attaching an electronic signature (whether typed, graphical or free form) I certify herein that I have read, understood and confirm all the statements listed above and throughout the application form.

Authorized Signature: James A Helton

Print Name: James A Helton Date: 12-04-2020

Address (include ZIP): 8527 Saghalie Dr. S Salem, OR 97306-9753

Authorized Signature: James A Helton

Print Name: James A Helton Date: 12-04-2020

Address (include ZIP): 8527 Saghalie Dr. S Salem, OR 97306-9753

(For office use only)		
Received by	Date:	Receipt Number:

**Not using Internet Explorer?**  
Save the file to your computer and email to [planning@cityofsalem.net](mailto:planning@cityofsalem.net).