



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

There is a development proposal for the property listed in this notice and shown on the attached map. The City is seeking input from neighbors on the proposal. If you have questions or comments about the proposal, contact the case manager.

Esta carta es un aviso sobre una propuesta de desarrollo para la propiedad enumerada y que se muestra en el mapa adjunto. La ciudad está buscando la opinión de los vecinos sobre la propuesta. Si tiene preguntas o comentarios sobre la propuesta, póngase en contacto con nosotros al 503-588-6213

CASE NUMBER:	Variance / Class 2 Driveway Approach Permit Case No. VAR-DAP21-01
PROPERTY LOCATION:	1355 Mildred Ln SE, Salem OR 97306
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.
HEARING INFORMATION:	<p>DUE TO SOCIAL DISTANCING MEASURES IN PLACE TO HELP STOP THE SPREAD OF THE COVID-19 VIRUS THIS HEARING WILL BE HELD VIRTUALLY.</p> <p><u>Hearings Officer, Wednesday February 24, 2021 at 5:30 p.m.</u></p> <p>To view the meeting LIVE on YouTube please visit this link with any computer, tablet, or smart phone: http://bit.ly/planningpublicmeetings</p>
HOW TO PROVIDE TESTIMONY:	<p>Both written and oral testimony will be accepted on this case. Only those participating by submitting written testimony, or by testifying virtually at the hearing, have the right to appeal the decision.</p> <p>To provide written testimony: Direct written comment to the case manager listed below. Staff recommends emailing your comments to ensure receipt before the public hearing.</p> <p>To provide testimony digitally at the public hearing: Sign up by contacting Zachery Cardoso at zcardoso@cityofsalem.net or 503-540-2304 by <u>February 24, 2021 at 3:00 p.m.</u> to receive instructions.</p>
CASE MANAGER:	Sally Long, Planner I , City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, OR 97301. Telephone: 503-540-2311; E-mail: sjlong@cityofsalem.net .
NEIGHBORHOOD ASSOCIATION:	<p><i>Neighborhood associations are volunteer organizations of neighbors coming together to make neighborhoods the best they can be. They receive notice of land use applications within their boundaries, and they often submit comments on the applications to the City. Neighborhood association meetings are open to everyone. Contact your neighborhood association to get involved:</i></p> <p>South Gateway Neighborhood Association, Glenn Baly, Land Use Co-Chair; Phone: 503-588-6924; Email: glennbaly12345@gmail.com; Mike Hughes, Land Use Co-Chair; Phone: 503-584-0806; Email: hughes.m@comcast.net.</p>
STAFF REPORT:	The Staff Report will be available seven (7) days prior to the hearing and will thereafter be posted on the Community Development website: https://www.cityofsalem.net/notice .
ACCESS:	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
CRITERIA:	<p>Salem Revised Code (SRC) Chapter(s) 245.005(d) – Variance; 804.025(d) – Driveway Approach Permits</p> <p>Salem Revised Code (SRC) is available to view at this link: http://bit.ly/salemorcode. Type in the chapter number(s) listed above to view the applicable criteria.</p>

OWNER(S):	Empire Builders of Oregon LLC (James Helton), Mountain West Investment Corporation, JCT Construction Group LLC (Mark Hoyt, James Tokarski, James Cain)
APPLICANT / AGENT(S):	Brandie Dalton on behalf of Empire Builders of Oregon LLC
PROPOSAL / 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 7.56 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).
HEARING PROCEDURE:	<p>The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. A hearing is not a venue to ask questions of staff, the applicant, or the decision maker(s) on this case but rather an opportunity to provide testimony to the decision maker(s) on the merits of the land use case; questions about the application, the recommended conditions of approval, or the Planning Administrator's recommendation, should be directed to the Case Manager prior to the hearing.</p> <p>Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony. Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.</p> <p>Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either virtually or in writing, and anyone who requested to receive notice of the decision.</p>
MORE INFORMATION:	Documents and evidence submitted by the applicant are available for review and paper copies can be obtained at a reasonable cost. You can also find out more information about the status of the proposed application on the City's online Permit Application Center at https://permits.cityofsalem.net . Just enter the permit number listed here: 21 101587, 21 101590
NOTICE MAILING DATE:	February 4, 2021

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

For more information about Planning in Salem:

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

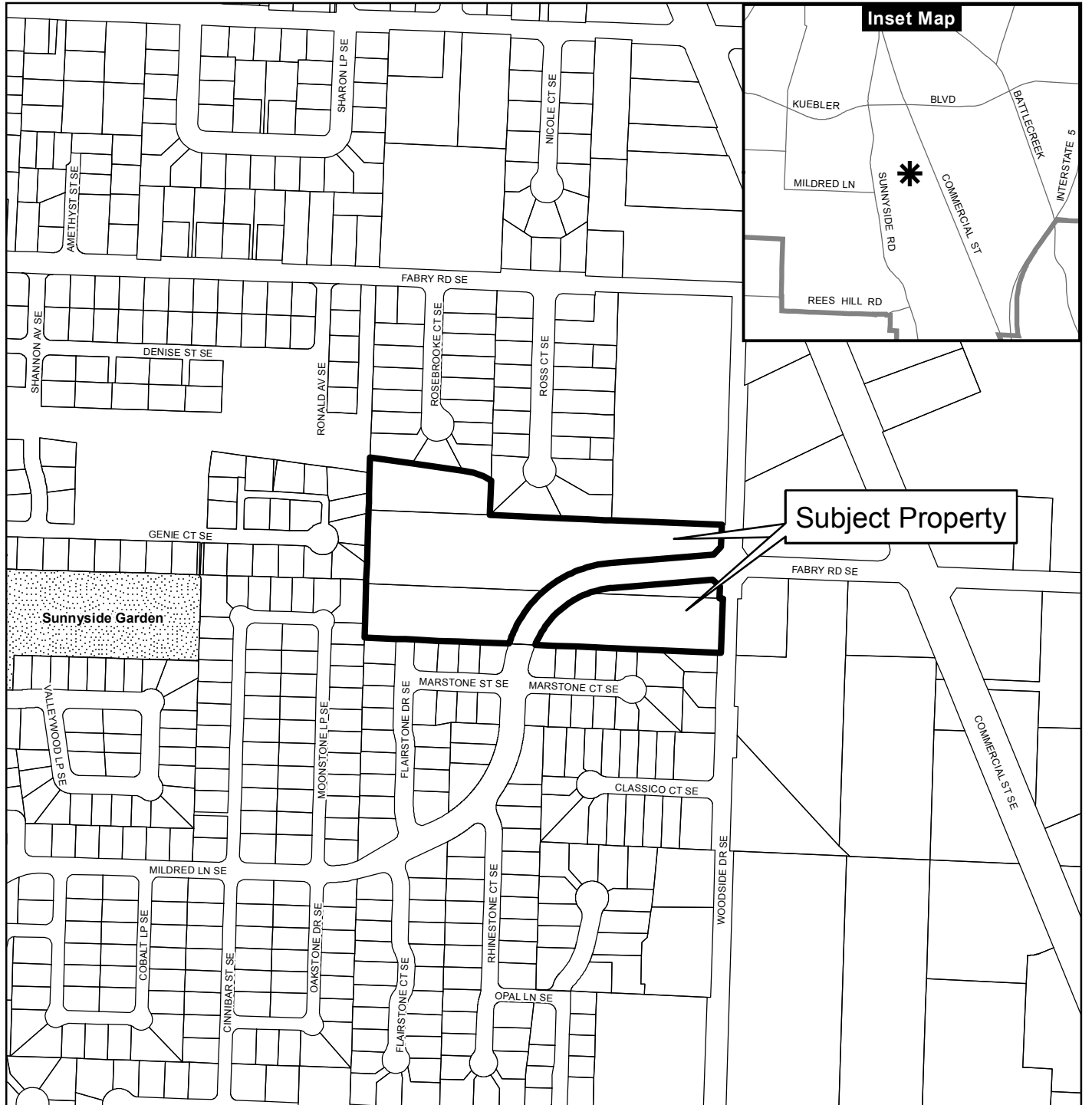
It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community

Development Department at 503-588-6173 at least three business days before this meeting or event.

TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map

1355 Mildred Lane SE



Subject Property

Inset Map

Sunnyside Garden

Legend

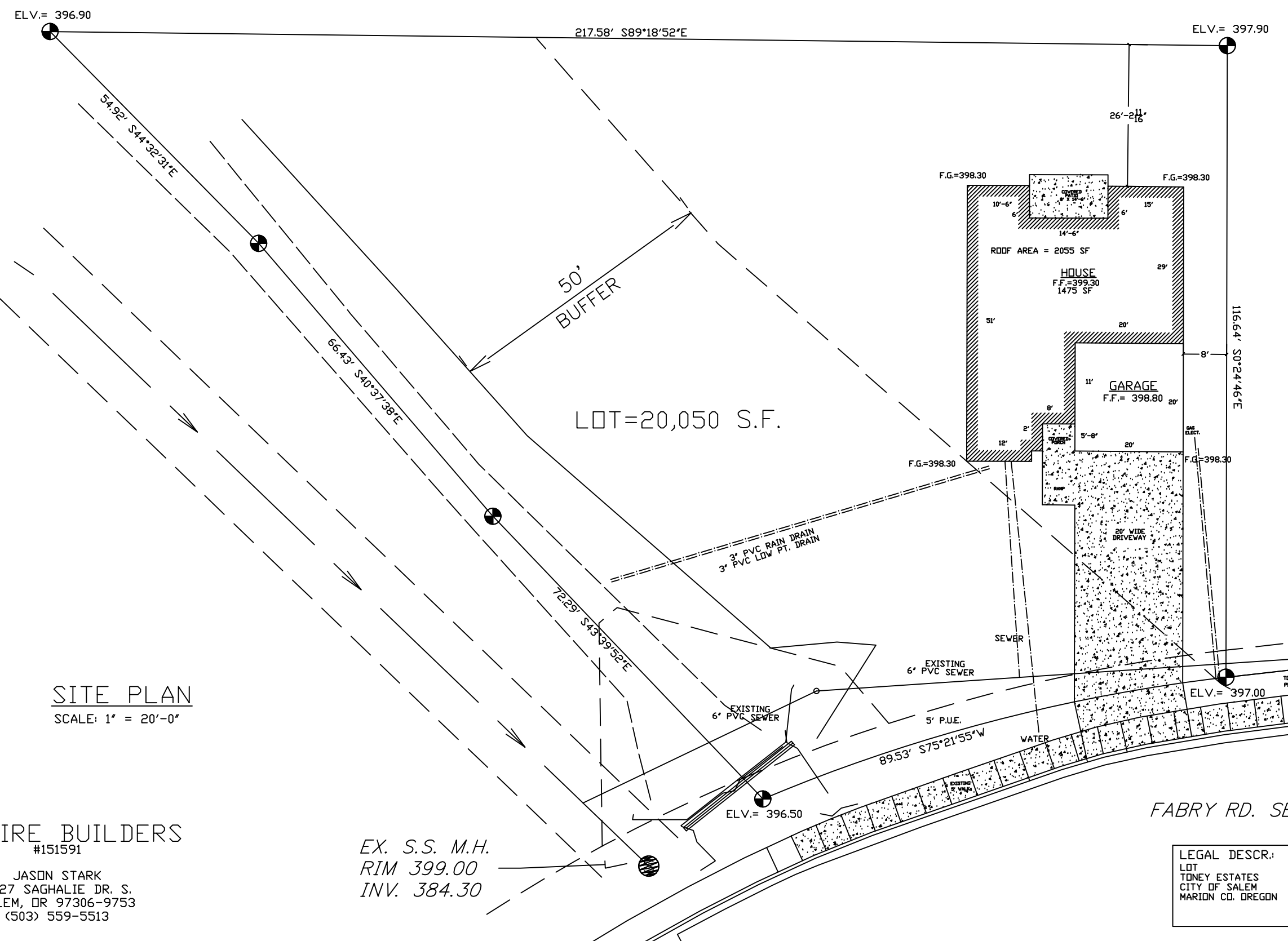
- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

CITY OF Salem
AT YOUR SERVICE
 Community Development Dept.

0 100 200 400 Feet



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ELV.= 396.90

217.58' S89°18'52"E

ELV.= 397.90

54.92' S44°32'31"E

66.43' S40°37'38"E

50' BUFFER

LOT=20,050 S.F.

F.G.=398.30

F.G.=398.30



ROOF AREA = 2055 SF
HOUSE
F.F.=399.30
1475 SF

GARAGE
F.F.= 398.80

116.64' S0°24'46"E

3" PVC RAIN DRAIN
3" PVC LOW PT. DRAIN

F.G.=398.30

F.G.=398.30

SEWER

EXISTING
6" PVC SEWER

EXISTING
6" PVC SEWER

5' P.U.E.

5' P.U.E.

ELV.= 397.00

TO EXISTING
POWER POLL

89.53' S75°21'55"W

WATER

ELV.= 396.50

FABRY RD. SE

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

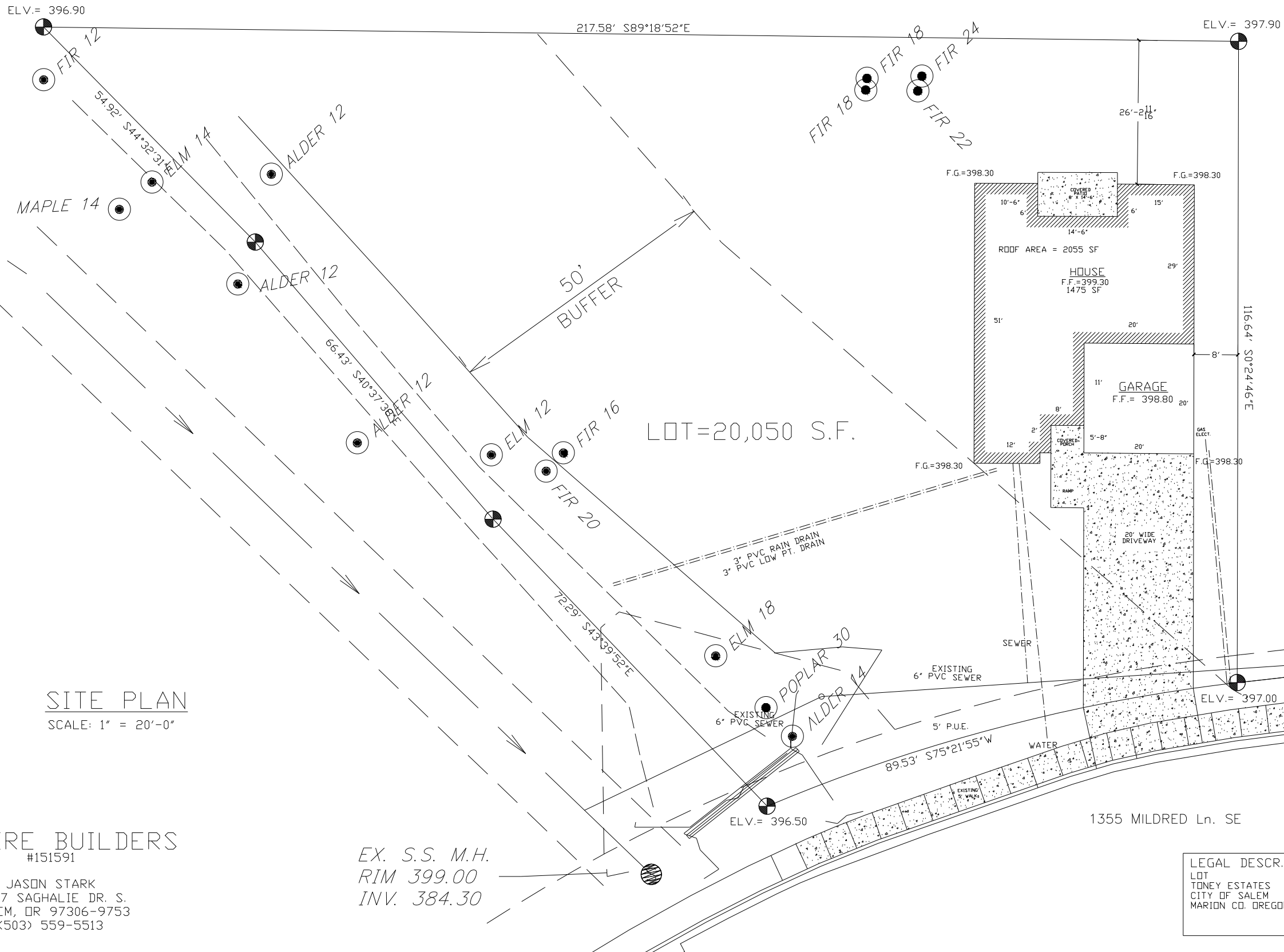
EMPIRE BUILDERS
#151591

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

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

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

Tree Plan



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

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

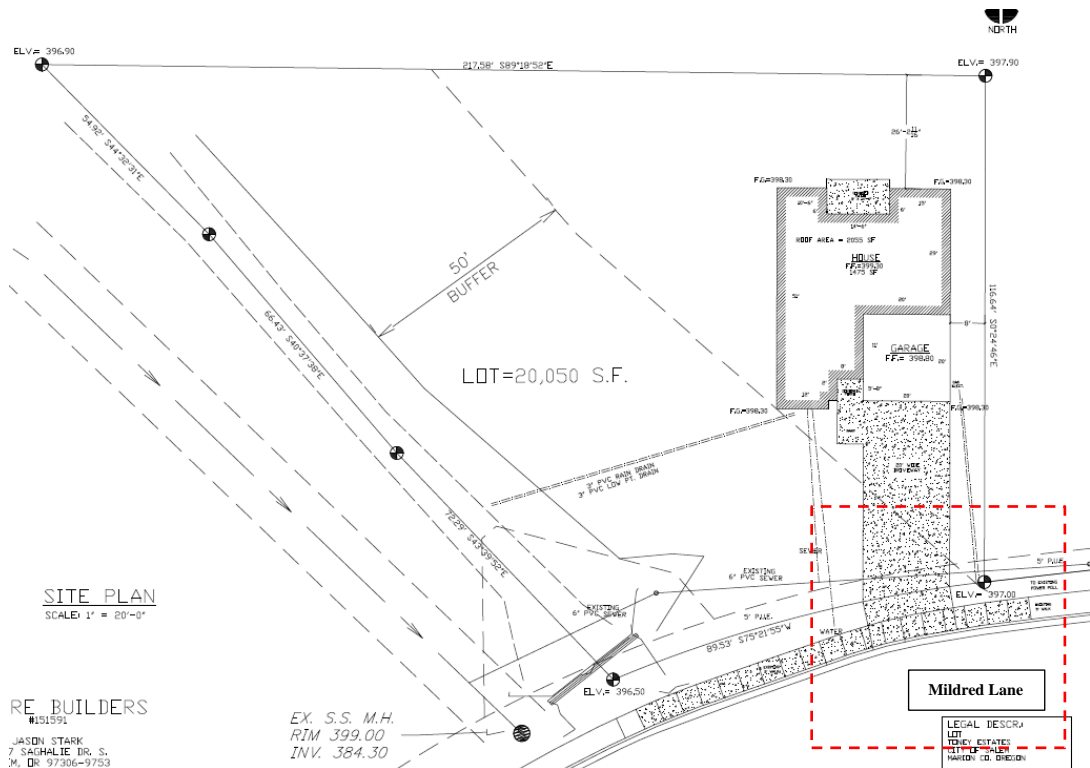
EX. S.S. M.H.
RIM 399.00
INV. 384.30

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).

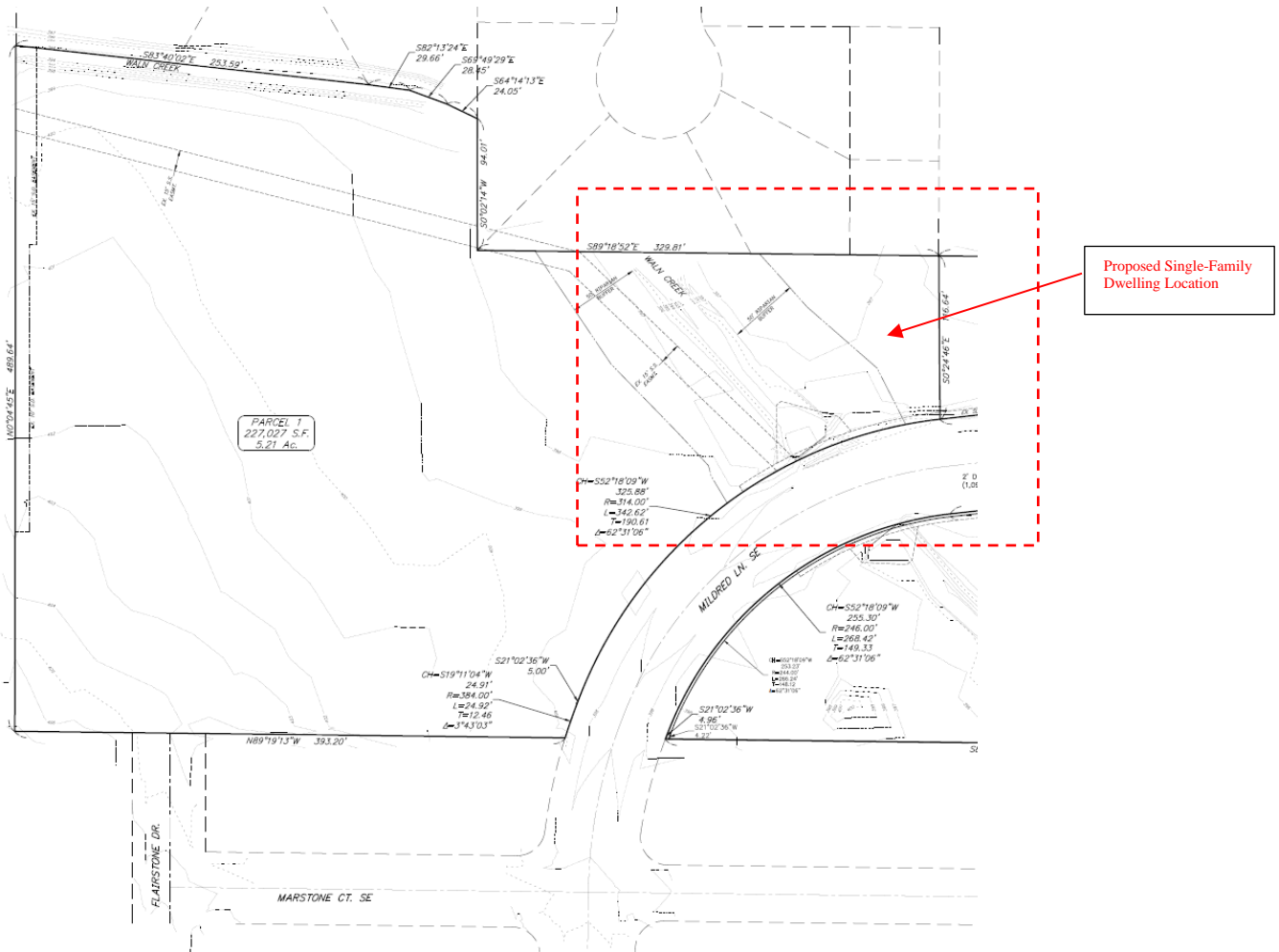
The proposed single-family dwelling will have direct access onto Mildred Lane that runs along the south property line of the site. Mildred Lane is designated as a 'minor arterial' street on the Salem Transportation System Plan. Therefore, a variance to SRC 804.035(a) and (c)3 have been requested.



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.
