

# Woodside Townhomes Subdivision

## Tentative Subdivision Application

**Prepared for:**

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**Submitted to:**

City of Salem  
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**Project Summary**

<b>Request:</b>	<p>Application for approval of a tentative plat for the Woodside Subdivision, a 22-lot development. All the proposed lots are intended for the construction of townhomes.</p> <p>Application for approval of a Class 2 Driveway Approach Permit to construct two driveway connections to Woodside Drive SE.</p> <p>This application also includes a Class One Adjustment to permit a deviation from the Minimum Lot Depth requirement for two lots, and a Class Two Adjustment to permit a variation from the Minimum Double Frontage Lot Depth for eleven lots.</p>
<b>Location:</b>	<p>5831 Woodside Drive SE Salem, Oregon 97301 Marion County Assessor's Map No. 08-3w-14CC; Tax Lots 300 &amp; 302</p>
<b>Owner/Applicant:</b>	<p>Woodside, LLC C/O Michael Smith P.O. Box 4582 Salem, Oregon 97301 Phone: 503-932-3670 Email: mcmssmith@aol.com</p>
<b>Engineer/Planner:</b>	<p>Emerio Design 1500 Valley River Drive, Suite 100 Eugene, OR 97401 503-746-8812 Engineer: Dan Boultinghouse, PE      Planner: Hayden Wooton dboultinghouse@emeriodesign.com      hwooton@emeriodesign.com</p>

**Exhibits**

A – Marion County Assessor's Map No. 08-3w-14CC  
B – Neighborhood Association Contact  
C – Aerial Photograph  
D – City of Salem Zoning Map  
E – FEMA FIRM No. 41047C0657G  
F – Geotechnical Report  
G – Operating Agreement  
H – Preliminary Title Report  
I – Trip Generation Estimate Form  
J – Warranty Deed  
K – Approved Subdivision Name Request

**Plan Sheets**

1 – Cover Sheet  
2 – Existing Conditions and Demolition Plan  
3 – Tentative Plat  
4 – Tentative Site Plan  
5 – Tentative Composite Utility Plan  
6 – Woodside Drive – Street & Storm  
7 – Private Street – Street & Storm  
8 – Woodside Drive – Sanitary Sewer & Water  
9 – Private Street – Sewer & Water  
10 – Typical Street Sections  
11 – Tentative Grading and Erosion Control Plan  
12 – Water Quality Facility Details  
13 – Tree Conversation Plan  
14 – Driveway Plan

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## I. Project Description

Located at 5831 Woodside Drive SW, the Woodside Townhomes Subdivision will create 22 lots from 1.59 acres identified as Tax Lots 300 and 302 on Marion County Assessor's Map No. 08-3w-14CC (Exhibit A) (herein referred to as the "subject property"). Woodside Townhomes Subdivision will dedicate approximately 4,010 square feet of public right-of-way and create Street "A," a new private street. The proposed plan will set aside a 3,730 square-foot tract for a stormwater management system. Additionally, a 5,375 square foot open space lot will be constructed in the northwest corner property. The net land area of 44,091 square feet will be subdivided into 22 lots intended for the construction of townhouses. The resulting lots will vary in size, ranging from 1,550 square feet to 3,013 square feet. It is Woodside LLC's (the applicant) intention to construct the project in a single phase of development.

The subject property is currently zoned Residential Agriculture (RA). Per Salem Revised Code (SRC) 265.015(a)(2), the property's zone will be automatically converted to Single-Family Residential (RS) upon approval of this tentative subdivision plan. Therefore, the Woodside Townhouse Subdivision has been designed to comply to the greatest extent possible with the development standards outlined in SRC 511.010.

As set forth in SRC Table 300-2, Land Use Applications by Procedure Type, evidence of neighborhood association contact must be provided with a tentative subdivision plan application. On January 31<sup>st</sup>, 2023, the applicant's representative sent an email to the Chair and Land Use Chair of the South Gateway Neighborhood Association (Exhibit B). This email contains all applicable information required by SRC 300.310(c)(2).

The proposed development conforms to all applicable sections of the SRC. This application narrative provides findings of fact that demonstrate conformance with all applicable sections of the above-mentioned governing regulations. The applicable criteria and standards from the SRC will appear in *italics* followed by the applicant's responses in regular font.

## II. Existing Conditions

The subject property has approximately 401 feet of frontage along Woodside Drive SE, a local roadway under the City of Salem's jurisdiction. Presently, Woodside Drive SE lacks curb, gutter, sidewalk, and landscaping along the subject property's frontage. To either side of the subject property and on the opposite side of the street, Woodside Drive SE has curb, gutter, sidewalk, and landscaping. However, unlike the Transportation System Plan's prescribed cross-section for a local street, Woodside Drive SE has curb-tight sidewalk and eight feet of landscaping on the outside of the walk. This is not the only non-conforming quality of Woodside Drive SE: Portions of the street exceed Salem's Maximum Street Grade standards for local streets. Along the subject property's frontage, there are stretches of 13 percent and 15 percent slopes.

The subject property is partially developed. Residential development has already occurred on a portion of the subject property. Currently, there is a single-family dwelling, carport, garage, deck, and paved driveway. Overhead powerlines have been extended onto the subject property to serve this dwelling. All these existing improvements will be removed to facilitate redevelopment of this property. Reflecting the steep slopes of Woodside Drive SE, the subject property has significant grade changes within its boundaries. On-site elevations range from 417 feet to 471 feet above mean sea level. Adjoining zones and land uses (Exhibit C for aerial photograph and Exhibit D for City of Salem Zoning Map):

North: Classico Subdivision zoned Single Family Residential by the City of Salem.

South: Care facility zoned Residential Agriculture by the City of Salem.

East: Overlook Pointe Apartments zoned Multiple Family Residential 2 by the City of Salem.

West: Stonebridge Estates Subdivision zoned Single Family Residential by the City of Salem.

### III. Land Division and Reconfiguration

Sec. 205.010. *Subdivision tentative plan.*

- a. *Applicability. No land shall be divided into four or more lots within a calendar without receiving tentative subdivision plan approval as set forth in this section.*

**Response:** The Woodside Townhouse Subdivision will create 22 lots within a single calendar year; therefore, it must comply with the applicable criteria outlined in SRC 205.010(d) and application requirements set forth in this section.

- b. *Procedure type. A tentative subdivision plan is processed as a Type II procedure under SRC chapter 300.*

**Response:** This application will be processed through a Type II procedure as outlined in SRC Chapter 300. Completion of the application process will ensure compliance with this standard.

- c. *Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative subdivision plan shall include the information required in SRC 205.030.*

**Response:** This application package includes all materials required by SRC 205.010(c) for processing through a Type II procedure under SRC Chapter 300 in conformance with SRC 205.010(b).

- d. *Criteria. A tentative subdivision plan shall be approved if all of the following criteria are met:*
  1. *The tentative subdivision plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to, the following:*
    - A. *Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.*

**Response:** As discussed in Section I, Project Description, the subject property will be zoned Single Family Residential once a tentative subdivision plan is approved. Consequently, all proposed lots have been designed to comply with the development standards outlined in SRC Section 511.010 to the greatest extent possible given the site constraints.

<b>Table One, Lot Dimensions</b>				
<b>Lot Number</b>	<b>Area (sq. ft.)</b>	<b>Width (ft.)</b>	<b>Depth (ft.)</b>	<b>Frontage (ft.)</b>
<b>1</b>	2,253	39	61	128
<b>2</b>	1,550	25	62	50
<b>3</b>	1,550	25	62	50
<b>4</b>	1,550	25	62	50
<b>5</b>	1,550	25	62	50
<b>6</b>	1,550	25	62	50
<b>7</b>	1,550	25	62	50
<b>8</b>	1,550	25	62	50
<b>9</b>	1,550	25	62	50
<b>10</b>	1,550	25	62	50
<b>11</b>	2,244	39	61	128
<b>12</b>	3,013	29	104	34
<b>13</b>	2,627	28	93	30
<b>14</b>	2,550	27	91	27
<b>15</b>	2,554	28	91	28
<b>16</b>	2,558	28	91	28
<b>17</b>	2,256	28	77	28
<b>18</b>	2,078	28	74	28
<b>19</b>	1,991	25	71	28
<b>20</b>	1,909	25	68	28
<b>21</b>	1,846	25	66	28
<b>22</b>	2,258	79	63	35

Lot Area: Lots 1 through 22, all subject to construction of townhomes, must have a minimum lot area of 1,500 square feet. As demonstrated by Table One, Lot Dimensions, all proposed lots have an area exceeding the minimum for the eventual housing type. Therefore, all proposed lots comply with the minimum lot area standard.

Lot Width: The minimum width required for a townhouse lot is 20 feet. As demonstrated by Table One, Lot Dimensions, all proposed lots exceed the lot width for the eventual development type. Therefore, all proposed lots comply with the minimum lot width standard.

Lot Depth: SCR Table 511-2, Lot Standards, requires single-family dwelling properties to have a minimum depth of 70 feet; double frontage single-family dwelling lots must have a depth of 120 feet. Eleven of the proposed lots will be double frontage properties; these lots will not comply with the minimum depth requirement. An adjustment is being requested under SRC 250.005 to permit a deviation from this standard. Additionally, while not a double frontage lots, Lots 20, 21, and 22 do not comply with minimum lot depth standard of 70 feet. Another adjustment is being requested under SRC 250.005 to permit this variation as well. Please refer to Section IV, Adjustments, of this application narrative for detailed responses to the applicable criteria related to the proposed adjustments. All other lots have a depth greater than 70 feet as demonstrated by Table One, Lot Dimensions.

Lot Frontage: All townhouse lots must have a minimum of 20 feet of street frontage. As demonstrated by Table One, Lot Dimensions, all proposed lots have adequate frontage for the eventual dwelling type.

Therefore, all proposed lots comply with the lot frontage standard. (The proposed development does not propose the creation of any flag lots.)

Lot standards, generally: Unless an adjustment is requested under SRC 250.005, all proposed lots comply with the applicable lot standards. After accounting for setbacks and easements, all proposed lots contain enough area remaining to provide an adequate building pad for a townhome (There are no riparian corridors, floodplains, or wetlands on the property). All future buildings will be located entirely within an individual lot. Lastly, all side lot lines run at right angles to the street upon which the lot faces wherever possible. Therefore, these standards are met.

Maintenance easements for dwelling units: The proposed subdivision is intended for the construction of attached townhomes. The applicant acknowledges and understands that a maintenance easement must be recorded when units have a common wall and shared property line. Alongside the building permit application, the applicant will provide a maintenance easement on a form approved by the city attorney. This standard will be met at a future date and time.

Fences, walls, hedges, gates, and retaining walls: Currently, no fences, walls, hedges, or gates are proposed. This project includes the construction of several retaining walls greater than four feet in height. These walls will comply with the appropriate front, side, and rear yard setbacks applied to each lot, and the walls are not located inside any clear vision triangles. The location of these walls is shown on the attached site plan. Additional information will be provided during the building permit approval process. To the extent reasonable at this time, these standards are met.

Designation of Lot Line: As previously noted, Lots 1 through 11 will be double frontage lots. Woodside Drive SE right-of-way will serve as the front lot line for these properties. However, vehicle access will be provided via Street "A." Therefore, this standard is met.

B. *City infrastructure standards.*

**Response:** Public infrastructure is available near the proposed development and will be extended to accordance with Salem Public Works' requirements. A brief description of existing and proposed water systems, sanitary sewer systems, and stormwater systems are provided below. Street improvements are discussed later in this narrative in the applicant's response to SRC 210.010(d)(4).

Existing Water: There is an existing ten-inch waterline located in the east side of Woodside Drive SE for a significant length of property's frontage. There is a short stretch where the waterline is closer to the western right-of-way line.

Proposed Water: An eight-inch waterline will be extended through Street "A" to serve all proposed lots. This line will have two connection points to the existing waterline in Woodside Drive SE.

Existing Sanitary Sewer: Eight-inch sanitary sewer lines are located near the north and south boundary of the subject property in Woodside Drive SE.

Proposed Sanitary Sewer: The proposed development will replace both existing cleanouts with manholes and route two eight-inch sanitary sewer lines through Street "A" to serve all proposed lots.

Existing Storm Drainage: There is a ten-inch storm line located in the eastern half of Woodside Drive SE.

Proposed Storm Drainage: As required by SRC 205.030(a)(8) and 205.030(e), the applicant has provided the location, dimensions, and description of the proposed stormwater management system in the attached Stormwater Drainage Report dated November 25<sup>th</sup>, 2024. This report contains a detailed analysis of pre- and post-construction conditions. Findings and conclusions from the above-mentioned report are included herein by reference.

Therefore, this criterion is satisfied by the design of the proposed development.

- C. *Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.*

**Response:** A discussion of potential special development conditions including floodplain, vegetation, geotechnical analysis, and wetlands are provided, below. The proposed tentative subdivision plan is not subject to any special setbacks. Compliance with vision clearance standards will occur during Public Works' Construction Permit review and Building Permit process as no vertical structures or vegetation is proposed alongside this plat.

Preservation of Trees and Vegetation: A tree conservation plan has been prepared to accompany this tentative subdivision application as required by SRC 808.035(a). This tree conservation plan contains all information necessary to be reviewed through a Type I process as outlined in SRC 808.035(b)-(c). Findings of fact demonstrating compliance with the approval criteria outlined in SRC 808.035(d) are provided in Section V, Tree Conservation Plan, later in this application.

Floodplain: According to Floodplain Insurance Rate Map No. 41047C0657G, the subject property is located outside of the special flood hazards area and 100-year floodplain (Exhibit E).

Landslide Susceptibility: The City of Salem's adopted maps show areas of two to three landslide hazard susceptibility points have been mapped in the Woodside Townhomes Subdivision. An additional three points are assigned because the project is a division of land, resulting in a total of five to six landslide hazard susceptibility points. SRC Table 810-1E requires a geologic assessment or geotechnical report to be submitted alongside this tentative subdivision plan application. A Preliminary Geotechnical Engineering Report has been prepared and submitted with this application (Exhibit F).

Wetlands: There are no wetlands on the subject property.

Therefore, this criterion has been satisfied.

2. *The tentative subdivision plan does not impede the future use or development of the property or adjacent land.*

**Response:** The proposed tentative subdivision plan utilizes the entirety of the subject property; consequently, there is no additional development of the parent parcel to be considered under this criterion. All proposed lots are of sufficient size to provide adequate building pads for future townhomes after considering the placement of setbacks and easements. Additionally, all surrounding properties have already experienced development of various intensities. The proposed tentative subdivision plan does not alter access to any of these adjacent parcels. Therefore, this criterion is satisfied.



3. *Development within the tentative subdivision plan can be adequately served by city infrastructure.*

**Response:** The availability of water, sanitary sewer, and stormwater infrastructure is discussed in the applicant's response to SRC 205.035(d)(1)(B). A demonstration that existing and proposed transportation improvements can adequately serve the proposed development is provided in the applicant's response to SRC 205.035(d)(4). Findings and conclusions from the above-cited response are incorporated herein by reference. Therefore, this criterion is satisfied.

4. *The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.*

**Response:** As previously mentioned in Section II -Existing Conditions, Woodside Drive SE lacks curb, gutter, sidewalk, and landscaping along the subject property's frontage. The current streetscape is contained within a 50-foot-wide right-of-way; the travel aisle width varies and has curb, gutter, a five-foot-wide curb-tight sidewalk, and eight-foot-wide landscape strip on the east side only. The proposed subdivision will include a 10-foot right-of-way dedication to ensure this street will comply with the prescribed 60-foot-wide right-of-way requirement. This project will widen the pavement width to exceed the 30-foot requirement, and construct a curb, gutter, five-foot-wide sidewalk, and eight-foot-wide planter strip. The Woodside Drive SE Street Section, found on Sheet 10, illustrates the proposed street improvement and future cross-sections. There will be a minor difference between Salem's Transportation System Plan and the proposed street section. All surrounding properties have a curb-tight sidewalk; consequently, in order to provide a smooth transition between proposed and existing walkways, the proposed sidewalk will also be curb-tight. The proposed eight-foot-wide planter strip will be located behind the proposed sidewalk. By constructing the missing components of complaint local street, this project brings Woodside Drive SE in compliance with the Right-of-Way and Pavement Width requirements of SRC 803.025, all Street Standards in SRC 803.035 (Except alignment and grade), and Boundary Street Standards in SRC 803.040. As an existing street, the applicant is unable to alter the current grade of Woodside Drive SE and, if necessary, will coordinate with Salem Public Works to complete the Design Exception process.

Street "A," however, will be a private street with a unique cross-section. Street "A" will deviate from Salem standards in the following ways:

- Due to difficult existing topography, Street "A" will exceed the 12 percent maximum local street grade.
- Street "A" will have a pavement width of 20 feet rather than the standard 30-foot-wide pavement section for a local street. It will, however, be a one-way street.
- Street "A" will only have a sidewalk on the west side of the street instead of both sides as traditionally required. Although the street will only have a sidewalk on the north side of the street, all proposed lots will have sidewalks along their primary frontage. This will ensure all proposed lots have access to the larger pedestrian network in the area.
- Lastly, Street "A" will not include landscape strips within the right-of-way. Instead, the applicant will plant trees in the yards along Street "A." These trees will be located within a landscaping easement dedicated to the future homeowners' association for on-going maintenance and, if necessary, replacement.

The applicant is proposing an alternative street section under SRC 803.065 – Alternative Street Standards. These standards are as follows:

*(a) The Director may authorize the use of one or more alternative street standards:*

*(1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;*

The subject property is an infill parcel; as such, existing surrounding development creates strict boundaries that limit the area available to the proposed project. The primary dimension limited by nearby development is depth. Lot depth on the parent parcel ranges from 189 feet to 153 feet (measured from Woodside Drive SE to the opposite property line). Salem's local street cross-section is 60 feet wide. Typically, single-family dwellings are required to have a depth of 70 feet, unless it is a double front lot that requires a depth of 120 feet. Consequently, the parent parcel cannot contain a local street and residential lots on both sides. Expansion beyond the limits of the subject property is not possible due to existing development. Even with a modified street section, adjustments are still needed to allow for deviations to lot depth. Requiring a full local street section would outright prevent redevelopment of the subject property and the construction of middle housing lots. Therefore, existing development and physical constraints make compliance with the standards set forth in Chapter 803 impracticable.

Street "A" will be 26 feet wide, containing a 20-wide paved area, mountable curb and gutter, and a five-foot-wide sidewalk on one side. It will also be a one-way street; vehicles will enter through the southern proposed driveway and exit via the northern driveway. By limiting traffic to one-way, the applicant ensures adequate sight distance at both driveways and ensures the limited pavement width is still adequate for vehicles utilizing the street. It should be noted only Lots 12 through 22 will have their primary frontage on Street "A." While it will provide vehicle access to all proposed lots, Lots 1 through 11 will have their frontage along Woodside Drive SE; this combined with the availability of on-street parking within the Woodside Drive SE right-of-way will limit the number of vehicle trips on Street "A." It will not experience the same number of vehicle trips as other local street and it will never be necessary to extend this street to serve other development. Aside from residents and guests of the proposed subdivision, there will be no through traffic on Street "A." Lastly, Street "A" will provide an aerial fire apparatus accessway through the proposed development.

Street "A" will have two intersections with Woodside Drive SE. These intersections are approximately 350 feet apart, which does not exceed the 600-foot spacing interval provided in SRC 803.035(a). The existence of multiple access points will negate the need for an emergency vehicle turnaround and increase the functionality of Street "A" for waste management and delivery trucks.

Therefore, to the extent reasonable given the surrounding environment, this criterion is met.

5. *The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.*

**Response:** To ensure safe, orderly, and efficient circulation of traffic within and adjacent to the Woodside Townhome Subdivision all proposed street improvements are appropriate given the street's classification and purpose. Street "A" and Woodside Drive SE will route traffic to and from the subdivision. Please refer to the applicant's response to SRC 205.010(d)(4) for a description of the transportation improvements

associated with this project. These improvements will provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision. Therefore, this criterion is satisfied.

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

**Response:** Woodside Townhome Subdivision's internal street includes a continuous sidewalk that connects to newly constructed sidewalk along property's Woodside Drive SE frontage. These sidewalks provide convenient access to a transit stop that will be constructed on Woodside Drive SE near proposed Lot 3. To further increase walkability within the subdivision, intersection spacing does not exceed 600-foot intervals provided by SRC 803.035(a). The proposed subdivision will construct two intersections between Street "A" and Woodside Drive SE. These intersections will be 350 feet from centerline to centerline. Because the surrounding properties have already been developed, there are existing sidewalk connections throughout the neighborhood. Existing systems (sidewalk and public transit) will provide access to neighborhood activity centers. Therefore, this criterion is satisfied.

7. *The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.*

**Response:** The proposed development will not result in impacts to the transportation system. Any perceived impacts will be mitigated by the proposed improvements to the transportation system plan. There are no additional or off-site mitigation measures consistent with an approved traffic impact analysis to implement. Therefore, this criterion does not apply to the Woodside Townhome Subdivision.

8. *The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.*

**Response:** The two proposed adjustments are not the result of topography or vegetation, rather the location of surrounding development and unique site challenges associated with infill development. The Woodside Townhome Subdivision does not require any variances caused by the vegetation of the site. Therefore, this criterion is satisfied.

9. *The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.*

**Response:** While there are steep slopes and trees throughout the subject property, the design of the Woodside Townhome Subdivision acknowledges and avoids these features wherever possible to minimum impacts. As noted in the applicant's response to SRC 205.010(d)(8), no variances are requested as a result of vegetation.

Therefore, all disturbance is within the acceptable limits of the Salem Revised Code, and the proposed subdivision satisfies this criterion.

10. *When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.*

**Response:** The proposed subdivision is already located within the Urban Growth Area; therefore, a preliminary declaration under SRC Chapter 200 is not required.

- e. *Expiration. Tentative subdivision plan approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).*

**Response:** The applicant understands that the tentative subdivision plan approval shall expire as provided in SRC 300.850, unless an application for a final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

Sec. 205.015. *Phased subdivision tentative plan.*

- a. *Applicability. The subdivision of land may be phased. No land shall be divided as a phased subdivision without receiving tentative phased subdivision plan approval as set forth in this section. When the subdivision of land is phased, one tentative plan is approved for the entire phased subdivision, and each individual phase receives separate final plat approval.*

**Response:** The proposed subdivision will be constructed in a single phase of development; therefore, the standards outlined in this subsection are not applicable to this project.

#### IV. Adjustments

Sec. 250.005. *Adjustments.*

- a. *Applicability.*

1. *Classes.*

- A. *A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.*
- B. *A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.*

**Response:** Lots 21 and 22 will have a depth of 68 feet and 64 feet, respectively, instead of the standard 70 feet; therefore, this application includes an adjustment to a numerical development standard (lot depth) that decreases the standard by less than 20 percent. An adjustment that decreases a numerical development standard by more than 20 percent is also being requested in this application. The Class 1 Adjustment will permit a deviation from the Single-Family Lot Depth standard in Table 511-2, and the

Class 2 Adjustment will provide relief from the Single-Family Lot Depth standard applicable to double frontage lots in Table 511-2. This second adjustment applies to Lots 1 through 11. Therefore, both sets of criteria outlined in this section are applicable to the proposed development.

2. *Prohibition. Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:*
  - A. *Allow a use or activity not allowed under the UDC;*
  - B. *Change the status of a use or activity under the UDC;*
  - C. *Modify a definition or use classification;*
  - D. *Modify a use standard;*
  - E. *Modify the applicability of any requirement under the UDC;*
  - F. *Modify a development standard specifically identified as non-adjustable;*
  - G. *Modify a development standard that contains the word "prohibited";*
  - H. *Modify a procedural requirement under the UDC;*
  - I. *Modify a condition of approval placed on property through a previous planning action;*
  - J. *A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or*
  - K. *The required landscaping in the Industrial Business Campus (IBC) Zone.*

**Response:** The two proposed adjustments are described above in the applicant's response to 250.005(a)(1)(A) and (B). These adjustments are not proposing to allow any of the actions listed in this section. Therefore, this standard is met.

- b. *Procedure type. Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.*

**Response:** This application will be processed through a Type II procedure as outlined in SRC Chapter 300. Completion of the application process will ensure compliance with this standard.

- c. *Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:*
  1. *A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:*

- A. *The total site area, dimensions, and orientation relative to north;*
  - B. *The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;*
  - C. *All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;*
  - D. *The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;*
  - E. *The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and*
  - F. *Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.*
2. *An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:*
- A. *The total site area, dimensions, and orientation relative to north;*
  - B. *The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;*
  - C. *The location of the 100-year floodplain, if applicable; and*
  - D. *The location of drainage patterns and drainage courses, if applicable.*

**Response:** This application package includes all materials required by SRC 250.005(c) for processing through a Type II procedure under SRC Chapter 300. Therefore, this standard is met.

d. *Criteria.*

- 1. *An application for a Class 1 adjustment shall be granted if all of the following criteria are met:*
  - A. *The purpose underlying the specific development standard proposed for adjustment is:*
    - i. *Clearly inapplicable to the proposed development; or*
    - ii. *Clearly satisfied by the proposed development.*

**Response:** This response only addresses the Class 1 Adjustment that would allow Lots 21 and 22 to deviate from the minimum depth standard. The other adjustments are addressed in response to the Class 2 Adjustment criteria found later in this application narrative.

The intention of the minimum lot depth standard is to ensure that required setbacks can be met and still provide an adequate building pad. As demonstrated by this application, the applicant is not requesting an adjustment to either the front yard setback, the face-of-garage setback, or the rear yard setback. An adequate building pad can be provided for a future home within these setbacks despite the smaller depth. As such, the intent of this standard remains clearly satisfied by the proposed development. It should also be noted that the variety of lot depths will provide opportunities for a number of different building footprints, increasing the possibility of unique designs and architectural diversity within this development. Therefore, this criterion is met.

- B. *The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.*

**Response:** As previously noted, all surrounding properties have already experienced residential development; however, these properties will not be impacted by the proposed adjustment. Because the future dwellings constructed on Lots 21 and 22 will still be required to comply with the appropriate setbacks, there will be no apparent difference between these dwellings and dwellings on nearby lots – the separation between buildings will remain the same. Additionally, the shorter depth and standard setbacks will result in a smaller dwelling, which will have a less visual impact on surrounding properties than a home constructed on a lot with a depth of 70 feet. Therefore, this criterion is met.

2. *An application for a Class 2 adjustment shall be granted if all of the following criteria are met:*
- A. *The purpose underlying the specific development standard proposed for adjustment is:*
- i. *Clearly inapplicable to the proposed development; or*
- ii. *Equally or better met by the proposed development.*

**Response:** Lots 1 through 11 will be double frontage lots with frontage along both Woodside Drive SE and Street “A.” The standard depth for double frontage lots is 120 feet; however, Lots 1 through 11 will only have a depth of 62 feet.

The purpose of the double frontage depth standard is to provide additional separation between a future dwelling and adjacent streetscape in an attempt to minimize vehicle impacts on the livability of the applicable lot. However, this purpose does not apply to the intention of the proposed development. Street “A” is intended to function more as an alleyway for Lots 1 through 11, providing vehicular access to these lots, so that their front yard to Woodside Drive SE can remain more vegetated and increase walkability for pedestrians. This has the added effect of reducing the visual impact of the outward facing portion of this development. Street “A” is intended to provide an alley-like access to these lots and minimize hardscape within the proposed development; it only provides access to the lots within this development. Additionally, because Street “A” is private, the applicant intends to limit the vehicle speed on this roadway to 15 miles per hour. This additional limitation should help prevent any potential vehicular impacts to the



lots. The standard front yard and garage setbacks will also be implemented on these “double frontage lots” these setbacks will provide the standard separation between dwelling and right-of-way. Therefore, this criterion is satisfied.

- B. *If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.*

**Response:** The proposed adjustment will not detract from the livability or appearance of the residential area because all visual impacts will be sequestered inside the proposed development. This adjustment will allow all vehicle accesses to be from Street “A” which will eliminate the need for driveway accesses to Woodside Drive SE, allowing Lots 1 through 11 to have their front façades facing outwards without disruption from garages or driveways. It will also result in more vegetation along Woodside Drive SE because impervious surface will not be required for vehicle access. This will create an attractive external appearance for the proposed subdivision. Therefore, this criterion is satisfied.

- C. *If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.*

**Response:** The purpose of the RS – Single Family Residential is “to implement the single-family residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RS zone generally allows single family, two family, three family, and four family residential uses, along with a mix of other uses that are compatible with and/or provide support and services to the residential area.” The proposed development is providing housing types that are compatible with the surrounding area. In actuality, the proposed adjustment allows the proposed development to better comply with this standard by allowing the development to increase its density and provide additional housing units. Therefore, this criterion is satisfied.

## V. Class 2 Driveway Approach

Sec. 804.025. *Class 2 driveway approach permit.*

- a. *Required. A Class 2 driveway approach permit is required for:*
1. *A driveway approach onto a local, collector, minor arterial, major arterial, or parkway street providing access to a use other than single family, two family, three family, or four family;*

**Response:** Two driveway approaches onto a local street will be constructed to provide vehicle access to 22 attached single-dwelling units. Therefore, this permit is required.

- b. *Procedure type. A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.*

**Response:** This application will be processed through a Type II procedure as outlined in SRC Chapter 300. Completion of the application process will ensure compliance with this standard.



- c. *Submittal requirements. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:*

**Response:** This application package includes all materials required by SRC 804.025(c). Therefore, this standard is met.

- 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;*

**Response:** The proposed driveways will be constructed in accordance with City of Salem Detail #301B. Therefore, this criterion is satisfied.

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

**Response:** There proposed project does not require any variances or adjustments to place and construct the driveway approaches. Adequate spacing has been provided as discussed earlier in this application narrative. Therefore, this criterion is satisfied.

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

**Response:** The proposed driveway approaches do not access an arterial street; therefore, this criterion does not apply to the proposed project.

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;*

**Response:** All adjacent properties are already developed, and as a result, it is not possible for this development to construct a shared driveway. The proposed project will take access from the lowest street classification instead. Woodside Drive SE is designated a local street and will provide vehicle access to the future Street "A." Therefore, this criterion is satisfied.

5. *The proposed driveway approach meets vision clearance standards;*

**Response:** As illustrated by the attached tentative plan set, the property vision clearance triangles have been shown and no vertical structures or vegetation are located within those areas. Additionally, the applicant understands that it is the responsibility of future property owners to maintain these areas and remove visual obstructions. Therefore, this criterion is satisfied.

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

**Response:** The proposed driveways are designed to ensure vehicles entering and exiting the site are provided with adequate sight distance, and as recently mentioned there are no planned obstructions

within the clear vision triangles. The proposed driveway locations allow for safe turning movements and access in and out of the subject property. Therefore, this criterion is satisfied.

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

**Response:** As discussed throughout this section, the proposed driveway approaches are designed with safety as a priority. Clear vision and sight distance are provided and all traffic exiting the site is directed to the driveway with better vision. Therefore, the proposed driveway approaches do not result in adverse impacts to the vicinity, and this criterion is satisfied.

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

**Response:** The proposed driveway approaches will have a very limited impact on the functionality of Woodside Drive SE and its intersections. These driveways are not located in the immediate vicinity of Woodside Drive SE's nearest intersections and as previously discussed comply with the standards regarding construction and safety. Therefore, this criterion is satisfied.

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

**Response:** The proposed driveway approaches will have minimal impacts to the residentially zoned property and functionality of adjacent streets because of the compliance with all relevant standards and distance between driveways nearby properties and intersections. Therefore, this criterion is satisfied.

## VI. Tree Conservation Plan

Sec. 808.035. *Tree conservation plans.*

- a. *Applicability. A tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.*

**Response:** The proposed development will create 22 lots for single-family dwellings. Therefore, the standards outlined in this chapter apply to the proposed development.

- b. *Procedure type. A tree conservation plan is processed as a Type I procedure under SRC chapter 300.*

**Response:** Compliance with this standard will be demonstrated by completing the City of Salem's review process.

- c. *Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree conservation plan shall include the following:*
1. *A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:*

- A. *The total site area, dimensions, and orientation relative to north;*
- B. *Proposed lot or parcel lines;*
- C. *Site topography shown at two-foot contour intervals or, when grading of the property will be necessary to accommodate the proposed development, preliminary site grading shown at two-foot contour intervals;*
- D. *Identification of slopes greater than 25 percent;*
- E. *The location of any existing structures on the site;*
- F. *Identification of the type, size, location, and critical root zone of all existing trees on the property;*
- G. *Identification of those trees proposed for preservation and those designated for removal;*
- H. *The location of all utilities and other improvements;*
- I. *Required setbacks for the proposed lots or parcels;*
- J. *The locations and descriptions of staking or other protective devices to be used during construction; and*
- K. *The site plan may contain a grid or clear delineation of phases that depict separate areas in which work is to be performed and identification of those trees proposed for preservation and those designated for removal with each phase.*

**Response:** This application package includes all materials required by this section for processing through a Type I procedure under SRC Chapter 300. Therefore, this standard is met.

d. *Approval criteria.*

- 1. *An application for a tree conservation plan shall be granted if the following criteria are met:*
  - A. *No heritage trees are designated for removal.*

**Response:** There are no heritage trees located on the subject property. Therefore, this criterion does not apply to this tree conservation plan.

- B. *No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees.*

**Response:** There are no significant trees designated for removal. Therefore, this criterion is satisfied.

- C. *No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation.*

**Response:** There are no riparian corridors located on the subject property. Therefore, this criterion does not apply to this tree conservation plan.

- D. *Not less than 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees.*

**Response:** The proposed development will preserve 5 of the 35 trees on the subject property, only 14.3 percent. There are an additional 7 trees off-site with critical root zones extending onto the subject property, but these trees will not be removed. An arborist will be tasked with monitoring construction activities near these trees to ensure no damage is done to adjacent critical root zones. However, as discussed in the applicant's response to SRC 808.035(d)(2), there are no reasonable design alternatives that would enable preservation of such trees.

- E. *When less than 30 percent of all trees located on the property are designated for preservation, the mitigation measures required under SRC 808.035(e) are met.*

**Response:** The applicant has provided a response detailing how the mitigation measures required under SRC 808.035(e) are met later in this narrative.

2. *When an approval criterion in this subsection requires a determination that there are no reasonable design alternatives that would enable preservation of a tree(s), the following factors, which include but are not limited to the following, shall be considered in making such determination:*

- C. *Site topography. The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.*

**Response:** The subject property is steep with elevations ranging from 417 feet to 471 feet above mean sea level. These steep grades have required significant grading to construct Street "A," the stormwater management system, and ensure there are buildable pads on each lot. Additionally, the geotechnical engineer determined it was best to limit slopes and earthwork wherever possible, expanding the area necessary to construct these improvements. While retaining walls were utilized whenever possible, the compact nature of this property meant that even when efforts were made to limit the impacts of grading earthwork still impacted the critical root zone of on-site trees. Please refer to the attached tentative plan set for an illustration of how the necessary earthwork impacts vegetation. Therefore, this criterion is satisfied.

- e. *Mitigation measures. When less than 30 percent of all trees located on a property are designated for preservation under a tree conservation plan, any combination of one or*

*more of the following mitigation measures shall be provided for each tree removed in excess of 70 percent:*

1. *Residential density increase. One middle housing dwelling unit or accessory dwelling unit shall be provided within the development for each tree removed. Any dwelling unit provided pursuant to this subsection is required in addition to the density requirements otherwise applicable in the zone. The lot(s) within the development that will be developed with the middle housing dwelling unit(s) or accessory dwelling unit(s) shall be specified in the conditions of the associated land division approval.*

**Response:** The proposed development would need to preserve an additional seven trees to comply with the 30 percent minimum. As mitigation, the proposed development includes the construction of townhomes, which are classified as middle housing dwelling units. Twenty-two townhomes will be constructed, many more than are needed to mitigate for the removal of seven additional trees. Therefore, this criterion is satisfied.

## **VII. Conclusion**

This application narrative, accompanying exhibits, and site plan demonstrate that the applicable decision criteria of the Salem Revised Code have been satisfied. Therefore, Emerio Design on behalf of the applicant, Woodside, LLC, respectfully requests approval of this application.