

January 25, 2025

Peter Domine, Planner II
City of Salem Planning Division
555 Liberty Street SE
Salem OR 97301

Tree Regulation Variance/Class 2 Driveway Approach Permit
Case No. TRV-Dap25-01

Dear Mr. Domine.

Thank you for the opportunity to provide comments on the four Tree Regulation Variance requests and a Class 2 Driveway Approach Permit request in conjunction with a development of a cottage cluster located in the 1000 Block of Schurman DR S, Salem OR.

Upon review of the materials mailed to us, review of the Salem Revised Code as it relates to tree variance and driveway approach permits, as well as an observational review of the property, it is our analysis and request that the applications for tree variances be denied and application of driveway permit be denied or reviewed further.

Tree Regulation Variance Requests on Tree Removal

A dilemma faced in the development of this particular site is two opposing City initiatives. The first is the need to create additional housing based upon the projected population increase by 2035. The second is the preservation of significant trees - in this case the small grove of Oregon White Oak trees on the site. Which takes precedence: the long standing trees that provide inherent value to the property, neighborhood and the environment or the maximization of housing units? The applicant is maximizing the number of detached dwelling units on the site at the expense of some of the largest oak trees. It appears the variance requests are based upon removal of every tree that interferes with providing the maximum concentration of units on the site without demonstrating the variance approval criteria as it relates to hardship and economical use.

- The applicant knew at the time of land purchase that the significant trees were on site but elected to develop a plan that would maximize revenue and result in removing significant trees. Of the three significant site oak trees requested to be removed, the far eastern tree is the largest tree on the site and is being proposed for removal as it interferes with development of a unit. The other two oak trees interfere with the proposed paved parking. The application fails to show that there are no reasonable design alternatives that would enable the preservation of all significant trees.
- One obvious alternative would be less units. Fewer units would result in lesser development costs, less need for parking, less paved area, increased open space between units for privacy, space for all the white oaks to thrive and perhaps more livable and attractive housing for future residents. The application does not show that a smaller scaled development was even considered and whether it would be economically viable.
- Another option is to request a minor partition to produce three single family lots. Each lot could contain a duplex, triplex or four-plex which could be positioned to not interfere with the trees. This option would likely save costs of the site work, utility installations and development costs and create more useable open space.

- The applicant states that “without the variance, the applicant would suffer a reduction in the fair market value of the applicant's property.” When recently purchased, the property was severely overgrown with vegetation including scrub trees, bushes, ivy, black berries and other weeds. The owner subsequently cleared the land, retaining the significant trees resulting in a site ready for development. Its hard to believe that per the applicant’s application that an improved and cleared site, if necessary to sell, would result in a loss of fair market value. Another option, if sale were necessary, would be for the applicant to request a minor partition of the land to produce three single family lots that could generate more than the original purchase price.
- From off-site observation, there have been a substantial number of trees cut down since the parcel was purchased. It appears to be at least 20, likely more that were removed and fortunately only 5 of those had a 10 inch or greater diameter and could be removed before requesting a tree variance. One of the remaining 10 inch or greater diameter trees on the site is a tall and fast growing evergreen. This evergreen tree is adjacent to one the white oaks that is being saved. This evergreen is growing through the white oak branches/canopy and competes with the nourishments needed by the oak tree thus affecting the oak tree’s viability. It is critical to remove this evergreen to maintain the health of this existing oak grove. This should be the only tree that is approved for removal. This evergreen removal combined with the five other trees of a 10 inch or greater diameter results in 6 total removed trees which is 35% of the total trees on site removed.

Class 2 Driveway Approach Permit Request

Vehicular parking is permitted only on the east of Gilbert Street. There is a concern by neighbors on Gilbert Street about the location of the proposed driveway approach. As proposed it will eliminate a few parking spots. Parking for homeowners and their guests is already difficult as much of the parking on Gilbert Street is used by residents of nearby apartments on Schurman Drive.

Site Location and type of housing

This small grove of white oaks on the project site, is on the border of a white oak savanna covering the Candalaria and Laurel Spring neighborhoods. White oaks grow in areas that are too dry or exposed and where other trees have difficulty surviving. They are drought tolerant, resistant to and recover well from ice and snow damage and survive through a variety of temperatures. With the changes seen in the local climate and weather patterns, these are the perfect specimens to have on this site. Both the grouping along Schurman Drive and the two trees near the proposed parking lot will provide shade and make for a comfortable outdoor setting. They are the one consistent item that blends the nearby single family residences with the multifamily developments in this neighborhood. It would take decades to grow newly planted trees to provide the benefits these trees currently bring to the area. Removing any of them is wrong. They all should be saved and the development made to accommodate their beauty and benefits.

We do support development of the site and a cottage cluster might fill an unmet housing need. We also want to inform the city and the developer of the local neighborhood conditions that might limit desirability of a heavily concentrated and not easily accessed site. This single family lot is located on the only fairly flat section of a very steep hill that runs from South River Road up to Hanson Ave S. Be aware that this property is only easily accessible by vehicle. There is no public transportation in the area. The closest public transportation is located on Commercial Street which is approximately 1 1/4 miles away and to get there one must make a steep climb up Schurman and Crestview Dr. This is not a bicycle friendly area due to the steepness of the roadway and only a few hardy bikers and walkers make the climb up and down. There are also

no nearby services in the area. These conditions could limit desirability of the cottage units especially if the intent is to target a specific population or income limit that might lack the ability to drive or pay for private transportation.

It was unclear to us from the information provided, the square footage of the proposed units. We hope they meet the modern cluster cottage size of 400+ square feet per unit and perhaps provide community space for gathering.

We hope that the final outcome will blend and complement the style of the homes in the neighborhood. We and several of our neighbors have resided in this neighborhood for over 30 years and are available to share our knowledge of the area and provide input that may assure a successful housing development.

Our conclusion is the Tree Regulation Variance Request and the Driveway Approach Permit request failed to demonstrate a necessity to remove any of the white oak trees or to demonstrate a need to eliminate parking spots on Gilbert that are in high demand. We desire that all of these comments and concerns be considered in making your decision.

Thank you for the opportunity to comment.

Don Herman
Betty Markey
2590 Crestview DR S

From: Tom Mayer <tomval2@comcast.net>
Sent: Monday, January 27, 2025 4:10 PM
To: Peter Domine
Cc: Vanessa Nordyke
Subject: Tree Regulation Variance/Class2 DrivewayApproach Permit Case No. TRV-DAP 25-01

Peter Domine,

We respectfully object to the proposed driveway being located on Gilbert St for the following reasons:

* Gilbert is a small residential street that is used by many local residences (Crestview Glen, subdivision) to access South River Road, a major street to downtown. We have a lot of foot and bike traffic from Gilbert St as well as from the Crestview Glen subdivision. Putting a driveway so close to the intersection of Gilbert and Schurman Dr S would cause excess traffic and congestion including commercial activity at the already congested intersection.

* It's our understanding the proposed development will include eleven cottages with eleven parking spaces (includes one disabled spot). Considering the average house hold likely has two cars this leaves any cars over ten to park elsewhere. There is no parking on Schurman Dr leaving Gilbert the only alternative. Gilbert already has overflow parking from both Regency Park and Minto Brown Apartments. There is also a new apartment complex on Schurman, Harmony Heights, directly across the street from the proposed site. It does not appear to be fully occupied at this time but I can just assumed once it is, any overflow will attempt to park on Gilbert leaving minimal parking for the actual residents of Gilbert.

* Direct access from Gilbert St will increase traffic volume and create safety concerns in an area designed for residential use. By relocating the driveway to Schurman, where it can better accommodate higher traffic flow, it will help minimize disruptions to the residential nature of Gilbert and reduce potential safety hazards for residents.

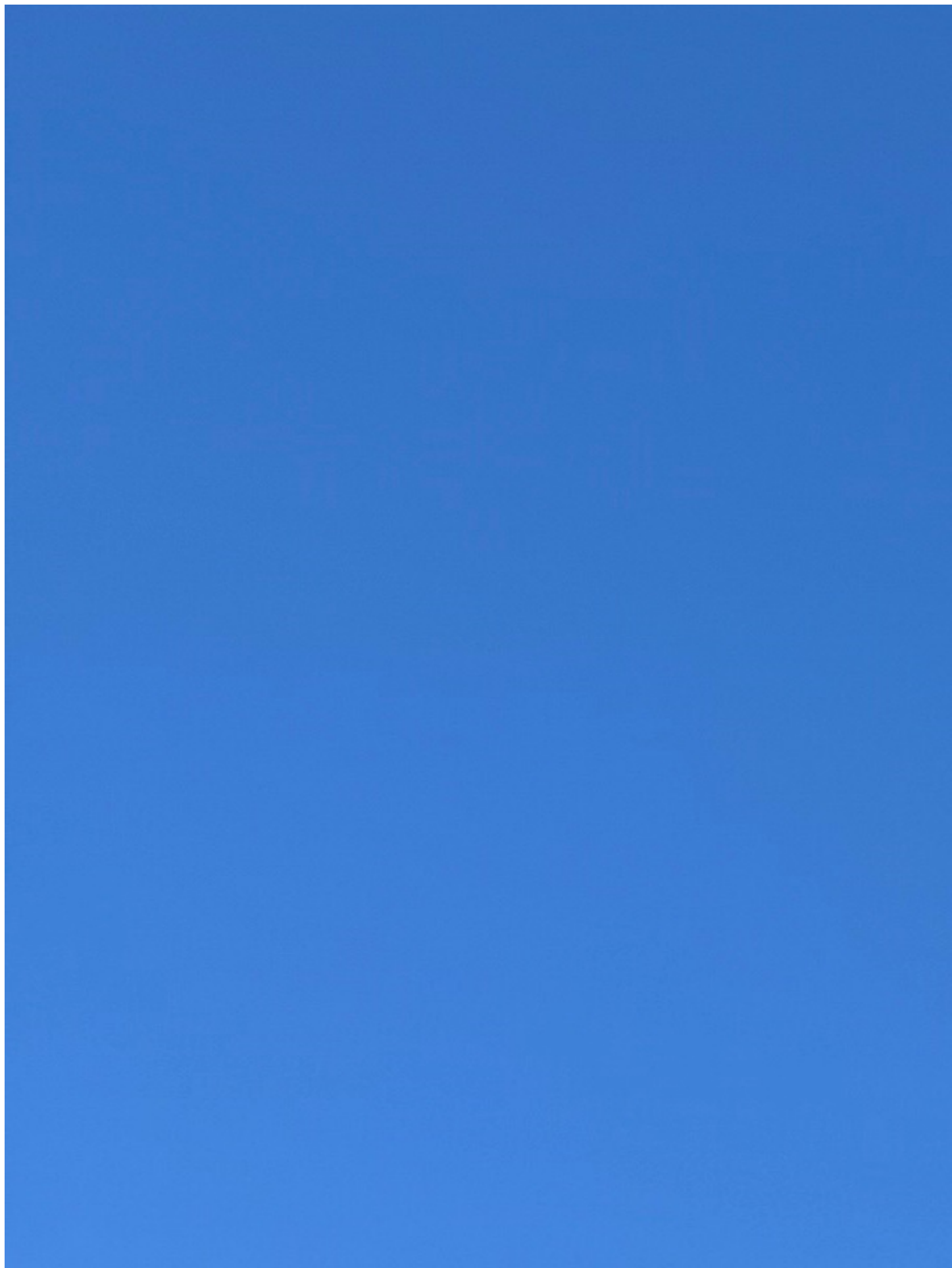
In conclusion, direct access from Gilbert will increase traffic volume and create safety concerns in an area designed for residential use. Placing the driveway on Schurman Dr would help maintain the existing residential character, adhere to the surrounding development patterns, and respect the intent of single-family zoning regulations on Gilbert. As well as reduce the traffic at the intersection of Schurman Dr and Gilbert St.

Attached are photo showing parking on Gilbert St on an average day.

Thank you for your consideration.

Tom and Valerie Mayer
2626 Gilbert St S
Salem, OR
(503)931-7173





Sent from my iPad

Case Number: TRV-DAP25-01

Permit Number:24 125192 00 PLN

Name: Todd Baker

Submission Date: 1/26/2025

Comment:

We find the cottage cluster concept interesting and unique, but the driveway approach in this plan appears to be at best less than ideal for the area.

1. Gilbert Street has extremely limited parking due to its narrow width. This limited width means parking is only allowed on one (east) side. People living on Gilbert have difficulty parking on Gilbert St. due to those limitations and its regular use as overflow parking for three nearby apartment buildings. The proposed Gilbert St. location of the driveway curb cut will eliminate parking for the equivalent of three cars. Although rarely used by our household this parking area is heavily used by others, especially evenings, overnight and weekends.

2. The intersection of Gilbert St. S with Schurman Dr. S creates a tight, congested corner, especially for uphill traffic turning onto Gilbert St. S. The turn angle from that direction is acute, the visibility is limited and the sidewalk includes a bump out. This requires a careful turn, especially if the turning vehicle encounters a vehicle waiting at the Gilbert St. stop sign. A new driveway curb cut in close proximity to that intersection will exacerbate the congestion/navigation problems. In addition, vehicles exiting the proposed driveway will encounter a stop sign immediately and vehicles entering the driveway must do so in the most congested part of Gilbert St.

3. That same congested, narrow end of Gilbert St. would also presumably have garbage services navigating in and out of that driveway.

Those who currently live in the area would, I believe, would agree that the least disruptive to traffic flow and the neighborhood would be a curb cut on Schurman Drive. The three apartment buildings use access from Schurman Dr. which seems to work well.

I expect if it were the most advantageous for the developer, they would have proposed Schurman Dr. access to begin with, but we would like to see a project design which allows the developer to maximize their cottage plan while also being the safest and least disruptive to the neighborhood.

Unfortunately, some neighbors may be reluctant to voice their concerns due to past experience leaving the impression that the city asks for community input but doesn't have a great deal of interest in that input or what the neighbors see as safety or livability issues. More than once in the past we've heard "there's nothing in this plan that isn't allowed", so it seems we're always at the mercy of the data and the city will be amenable to a developer's plan unless it can be shown as failing to meet a city guideline, code, rule, etc. A lot of people will just rub their neck, sigh, and think "it could be worse" or "maybe we should think about a move".

Here's wishing it could be win, win for everyone, Todd & Karla

Case Number: TRV-DAP25-01

Permit Number:24 125192 00 PLN

Name: Ashley Ohrn

Submission Date: 1/27/2025

Comment:

I am concerned about the proposal for the driveway onto Gilbert St. There is very limited parking on Gilbert and the driving would eliminate some of those parking spaces. The proposed parking lot for the cottage cluster would only include one parking space per cottage, but many households have more than one car, so that would mean even more people trying to park on the street. The driveway is also proposed near to the stop sign at Gilbert and Schurman, where it is very narrow when cars are at the stop and a car is trying to turn onto Gilbert St. I am worried that increased traffic could create a safety issue at this intersection.

Case Number: TRV-DAP25-01

Permit Number:24 125192 00 PLN

Name: Casey Gray

Submission Date: 1/27/2025

Comment:

Street side parking is limited along Gilbert St, a recent apartment build has added more cars in the neighborhood. It would be much better for the neighborhood here if the driveway were off Sherman instead rather than losing 2-3 on street parking spots.

It would be preferable to keep as many trees as possible, or at least have a plan for planting new ones to help shade the property and improve the look.

Case Number: TRV-DAP25-01

Permit Number:24 125192 00 PLN

Name: Daniel Ohrn

Submission Date: 1/27/2025

Comment:

Proposed driving and maneuvering areas do not meet minimum setback requirements from property lines for cottage clusters.

Case Number: TRV-DAP25-01

Permit Number:24 125192 00 PLN

Name: Daniel Ohrn

Submission Date: 1/27/2025

Comment:

Parking spaces are inadequate. Occupants will park on Gilbert St, which is already congested by overflow parking from nearby apartments. Parking is very limited on this street. Increase required parking or limit dwellings.

Case Number: TRV-DAP25-01

Permit Number:24 125192 00 PLN

Name: Daniel Ohrn

Submission Date: 1/27/2025

Comment:

Driveway is too close to stop sign on Gilbert. Unsafe and congested.

REQUEST FOR COMMENTS

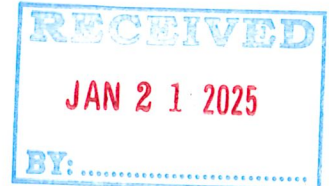
Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

REGARDING: Tree Regulation Variance / Class 2 Driveway Approach Permit
Case No. TRV-DAP25-01

PROJECT ADDRESS: 1000 Block of Schurman Dr S, Salem OR 97302

AMANDA Application No.: 24-125192-PLN

COMMENT PERIOD ENDS: January 27, 2025, at 5:00 p.m.



SUMMARY: Four Tree Regulation Variances and a Class 2 Driveway Approach Permit for development of a cottage cluster.

REQUEST: A consolidated application for four Tree Regulation Variances to remove two Oregon White Oak trees 26 and 32-inches DBH (diameter-at-breast height); to encroach within more than 30 percent of the critical root zone of one 51-inch DBH Oregon White Oak tree; and to remove more than 50 percent of the total trees on a parcel 20,000 square feet or greater within a five year period for the development of a cottage cluster. The consolidated application also includes a Class 2 Driveway Approach Permit for a new driveway approach onto Gilbert Street S. The subject property is 0.84 acres in size, zoned RS (Single Family Residential) and located at the 1000 Block of Schurman Drive S (Marion County Assessor's Map and Tax Lot Number 073W33DB / 4800).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 p.m., MONDAY, JANUARY 27, 2025, will be considered in the decision process. Comments received after this date will be not considered. Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below, or submit comments online at <https://egov.cityofsalem.net/PlanningComments>

CASE MANAGER: Peter Domine, Planner II, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2311; E-Mail: pdomine@cityofsalem.net.

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- ☐ 1. I have reviewed the proposal and have no objections to it.
- ☒ 2. I have reviewed the proposal and have the following comments: ONCE AGAIN IT SEEMS THAT GREED AND INCOMPETENCE HAVE INFLUENCED LOCAL PLANNING DECISIONS. TRAFFIC AND PEDESTRIAN SAFETY SEEM TO BE OF NO CONCERN. FOUR MORE TREES ARE NO PROBLEM, THE WILDLIFE BUFFER HAS ALREADY BEEN RAPED.

Name/Agency: RICHARD LEIGHTY

Address: 1130 SCHURMAN DR. S SALEM, OR 97302

Phone: _____

Email: _____

Date: 1-17-2025

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

REQUEST FOR COMMENTS

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- ☒ 1. I have reviewed the proposal and have no objections to it.
- ☒ 2. I have reviewed the proposal and have the following comments: I would be
opposed to low income housing.

Name/Agency: Carol Montgomery

Address: 1137 Schurman Dr S

Phone: 503-901-1107

Email: carolmont07@gmail.com

Date: Jan. 20, 2025

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REQUEST FOR COMMENTS

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☒ 2. I have reviewed the proposal and have the following comments:

Need to
Leave the Trees. Also Traffic is Dangerous
After the Harmonia Apt were Built
was

Name/Agency: Patrick Stephens

Address: 1119 Schurman Dr. S

Phone: 503-990-3928

Email: Patrick.Stephens@comcast.net

Date: 1-22-25

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

Harmonia was Built
when
we
Lost
A
Bunch
of
trees

REQUEST FOR COMMENTS

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- ☒ 2. I have reviewed the proposal and have the following comments: I believe removing such trees for the purpose of residential development will decrease both the community value and scenic surroundings that our area enjoys. I plead to not take down these trees for such a small development
- Name/Agency: Olivia Burger
- Address: 1051 Sherman Dr S Apt 303
- Phone: 503-339-6050
- Email: _____
- Date: 1/14/25

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM