



# Corner of Market and Tierra

## 5-Lot Subdivision

### WRITTEN NARRATIVE

January 24, 2025

#### SUBMITTED TO:

City of Salem  
Community Development - Planning Division  
555 Liberty Street SE, Room 305  
Salem, Oregon 97301

#### OWNER/ APPLICANT:

Trung V Diep  
4694 Center Street NE  
Salem, Oregon 97301

#### REPRESENTATIVE:

**LEI** ENGINEERING  
& SURVEYING  
OF OREGON

LEI Engineering & Surveying of Oregon, LLC  
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Salem, OR 97302  
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**SECTION 1: SITE DESCRIPTION/ EXISTING CONDITIONS**

|                       |  |
|-----------------------|--|
| <b>Site Location:</b> | The address of the subject property is 4208 & 4258 Market St NE, Salem, Oregon.  |
| <b>Tax Lot:</b>       | Tax Map 072W19AC, Lots 00400, 00500, and 00600   |
| <b>Zoning:</b>        | RS (Single Family Residential)   |
| <b>Site Size:</b>     | 31,323 SQ. FT. $\approx$ 0.72 acres  |
| <b>Flood Plain:</b>   | Outside  |
| <b>Request:</b>       | The applicant respectfully requests approval of a subdivision tentative plan for the creation of a 5-lot subdivision, Class 1 Driveway Approach Permit, and two Class 2 adjustments. |

The development site is located along Market St and Tierra Dr and is comprised of a 0.72-acre site currently made up of 3 tax lots, which are zoned RS (single family residential). The site is currently developed with two single-family dwellings, a large accessory building and three smaller accessory buildings. The site is served by three existing driveway approaches located on Market Street and one existing driveway approach on Tierra Dr. The site is bordered by Market Street to the north, by Tierra Dr to the west and residentially developed land zoned RS to the east and south. The site includes 13 live trees. Terrain is mild with slopes in the 0.5%-1% range. Onsite vegetation includes scattered trees, shrubs, and grass.

## **SECTION 2: PROJECT DESCRIPTION**

The applicant is proposing to divide the subject property into 5 residential lots. No right-of-way dedication is proposed, and a 10-foot public utility easement is proposed along both Market Street and Tierra Drive. Public improvements are limited to the removal of two driveway approaches along Market Street to be replaced with sidewalk and the construction of a shared driveway approach to provide access to lots 2, 3, and 5. A 25-foot access and utility easement with a 20-foot paved private drive is proposed along the south property line in order to provide access and utilities to lots 2, 3, and 5. The most eastern existing driveway approach along Market Street will be preserved to provide access to lot 4 and the existing driveway approach along Tierra Drive will be preserved to provide access to lot 1.

The two existing single-family dwelling units and the accessory structure located on the northeast corner of the site will be preserved. The other three accessory structures will be removed. Water, power, and sewer are available along the frontage on Market Street and Tierra Drive, as illustrated on the preliminary existing conditions sheet. The existing water, sewer, and power serving the existing dwelling on lot 1 will be preserved. The existing water and sewer serving the existing dwelling on lot 4 will be preserved and the power service will be relocated. A new water, sewer, and power service will be installed along the shared private drive to serve lots 2, 3, and 5. Stormwater runoff for the development and the new private drive will be treated with a rain garden.

**SECTION 3: COMPLIANCE WITH APPLICABLE CODE STANDARDS**

The proposed development meets applicable standards found in City of Salem Revised Code Chapter 511, 800, 802, 803, 804, 805, 806, 807, and 808 except where relief through adjustment is requested. Applicable development standards are provided below, followed by project information describing how the proposal meets the standard or notes where lenience via an adjustment is required.

**CHAPTER 511 - RS – SINGLE FAMILY RESIDENTIAL*****Sec. 511.001 – Purpose***

*The purpose of the Single Family Residential (RS) Zone 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.*

**Response:** The project site for the proposed development is zoned Single Family Residential (RS) and is therefore subject to this chapter's criteria.

***Sec. 511.005 – Uses***

*(a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the RS zone are set forth in Table 511-1.*

| <b>TABLE 511-1. USES</b> |               |   |
|--------------------------|---------------|---|
| <b>Use</b>               | <b>Status</b> | <b>Limitations &amp; Qualifications</b>   |
| Single Family            | P             | The following single family activities: <ul style="list-style-type: none"><li>▪ Residential Home, as defined under ORS 197.660.</li></ul> |
| Two Family               | P             |   |

*(b) Continued uses. Existing, legally-established uses established prior to August 24, 2022, which would otherwise be made nonconforming by this chapter, are hereby deemed continued uses.*

- (1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 511.010(g).*
- (2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, conversion of the building or structure to another use shall thereafter prevent conversion back to that use.*

**Response:** Single family and two family are permitted uses on RS zoned properties, according to Table 511-1. The proposed development is a 5-lot subdivision, of which two will be single family lots and the other three will be two family lots.

***Sec. 511.010 – Development Standards***

*Development within the RS zone must comply with the development standards set forth in this section.*

*(a) Land divisions in the RS zone. When land is subdivided in the RS zone that is at least ten acres in size, includes or abuts an existing or planned collector or minor arterial street, and is*

located more than one-quarter mile from all commercial, mixed-use, and neighborhood hub zones; neighborhood hub uses shall be allowed on at least two of the lots that are created, provided all of the following standards are met:

**Response:** The project site is less than 10 acres in size; therefore, this section is not applicable.

(b) *Lot standards. Lots within the RS zone shall conform to the standards set forth in Table 511-2.*

| TABLE 511-2. LOT STANDARDS |                    |  |
|----------------------------|--------------------|--|
| Requirements               | Standards          | Limitations & Qualifications           |
| <b>Lot Area</b>            |                    |  |
| Single family              | Min. 4,000 sq. ft. | Applicable to all other single family. |
| Two family                 | Min. 4,000 sq. ft. |  |
| <b>Lot Width</b>           |                    |  |
| Single family              | Min. 40 ft.        | Applicable to all other single family. |
| All other uses             | Min. 40 ft.        |  |
| <b>Lot Depth</b>           |                    |  |
| Single family              | Min. 70 ft.        |  |
| Two family                 | Min. 70 ft.        |  |
| <b>Street Frontage</b>     |                    |  |
| Single family              | Min. 40 ft.        | Applicable to all other single family. |
| Two family                 | Min. 40 ft.        |  |

**Response:** All lots for this proposed subdivision will be more than 4,000 sq. ft. in area, at least 40 ft. in width and 79 ft. in depth. See dimension plan sheet included in the preliminary civil engineering plans. Lots 1, 2, 3, and 4 meet the 40 ft. minimum required street frontage and lot 5 is a flag lot that has access to a public street via the proposed private drive and meets the flag lot accessway standards per SRC Sec. 800.025 (c).

(c) *Dwelling unit density. Dwelling unit density within the RS zone shall conform to the standards set forth in this subsection.*

(1) *Subdivisions. A site that is at least five acres in size and is subdivided shall comply with the following standards:*

(A) *The subdivision shall meet a minimum density of 5.5 units per acre. Notwithstanding SRC 700.007(a)(6)(A), accessory dwelling units may count toward this minimum density standard.*

(B) *At least 15 percent of the dwelling units that will be constructed on the lots shall be middle housing.*

**Response:** The project site is 0.72 acres in size, requiring a minimum density of 3.96 units. The applicant proposes a 5-lot subdivision, of which two lots will have a single-family dwelling and the other three lots will have a duplex, bringing the unit count to 8 units. A duplex is a type of middle housing.

(d) *Setbacks. Setbacks with the RS zone shall be provided as set forth in Table 511.3.*

| TABLE 511-3. SETBACKS |           |                              |
|-----------------------|-----------|------------------------------|
| Requirements          | Standards | Limitations & Qualifications |

|  |                    |  |
|--|--------------------|--|
| <b>Abutting Street</b>                   |                    |  |
| <i>Buildings</i>                         |                    |  |
| <i>Multiple family</i>                   | <i>Min. 10 ft.</i> |  |
| <i>All use</i>                           | <i>Min. 12 ft.</i> |  |
|  | <i>Min. 20 ft.</i> | <i>Applicable along collector or arterial streets.</i>   |
| <b>Accessory Structures</b>              |                    |  |
| <i>Accessory to all other uses</i>       | <i>Min. 12 ft.</i> | <i>Applicable to accessory structures greater than 4 ft. in height.</i>  |
|  | <i>Min. 20 ft.</i> | <i>Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.</i> |
| <b>Interior Front</b>                    |                    |  |
| <i>Buildings</i>                         |                    |  |
| <i>Multiple family</i>                   | <i>Min. 10 ft.</i> |  |
| <i>All other uses</i>                    | <i>Min. 12 ft.</i> |  |
| <b>Interior Side</b>                     |                    |  |
| <i>Buildings</i>                         |                    |  |
| <i>Single family</i>                     | <i>Min. 5 ft.</i>  | <i>Applicable to new buildings, other than zero side yard dwellings and townhouses.</i>  |
|  | <i>Min. 3 ft.</i>  | <i>Applicable to existing buildings, other than zero side yard dwellings and townhouses.</i>   |
| <i>Two family</i>                        | <i>Min. 5 ft.</i>  | <i>Applicable to new buildings.</i>  |
|  | <i>Min. 3 ft.</i>  | <i>Applicable to existing buildings.</i>   |
| <b>Accessory Structures</b>              |                    |  |
| <i>Accessory to all uses; infill lot</i> | <i>Min. 5 ft.</i>  | <i>Applicable to all other accessory structures.</i>   |
| <b>Interior Rear</b>                     |                    |  |
| <i>Buildings</i>                         |                    |  |
| <i>Multiple family</i>                   | <i>Min. 10 ft.</i> |  |
| <i>All other uses</i>                    | <i>Min. 14 ft.</i> | <i>Applicable to any portion of a building not more than 1 story in height.</i>  |
|  | <i>Min. 20 ft.</i> | <i>Applicable to any portion of a building greater than 1 story in height.</i>   |

**Response:** The dimension plan sheet included in the preliminary civil engineering plans illustrate that the two lots with existing single-family dwellings meet the setback standards and the three proposed duplex lots will be developed in accordance with the setback standards.

(e) *Lot coverage; height. Buildings and accessory structures within the RS zone shall conform to the lot coverage and height standards set forth in Table 511-4.*

| <b>TABLE 511-4. LOT COVERAGE; HEIGHT</b>  |                  |   |
|---|------------------|---|
| <b>Requirements</b>                       | <b>Standards</b> | <b>Limitations &amp; Qualifications</b> |
| <b>Lot Coverage</b>                       |                  |   |
| <b>Buildings and Accessory Structures</b> |                  |   |
| <i>Single family, two family, three</i>   | <i>Max. 60%</i>  |   |

|  |  |  |
|--|--|--|
| <i>family, and four family</i>                                 |  |  |
| <b>Height</b>  |  |  |
| <b>Buildings</b>   |  |  |
| <i>Single family, two family, three family and four family</i> | <i>Max. 35 ft.</i>   | <i>Applicable to new buildings.</i>      |
|  | <i>Max. 28 ft. or existing building height, whichever is greater</i> | <i>Applicable to existing buildings.</i> |
| <b>Accessory Structures</b>                                    |  |  |
| <i>Accessory to all uses</i>                                   | <i>Max. 15 ft.</i>   |  |

**Response:** The two existing single-family dwellings meet the required lot coverage and height standards. The three proposed duplex lots will be designed to meet the required lot coverage and height standards at the time of building permits.

## CHAPTER 800 – GENERAL DEVELOPMENT STANDARDS

### *Sec. 800.001 – Purpose*

*The purpose of this chapter is to establish certain standards that apply generally to development throughout the City, regardless of zone.*

**Response:** Applicable standards found in this chapter are cited below and compliance with the standards is provided.

### *Sec. 800.015 – Lot standards, generally.*

- (a) Lot shape and size. In addition to meeting all applicable lot standards of the UDC, all lots intended for development, as far as practicable, shall be of a size and configuration so that their net remaining area exclusive of required setbacks, easements, riparian corridors, and mapped floodplain/floodway boundaries and wetlands is buildable.*
- (b) Buildings to be on a lot. Every building or structure shall be entirely located on an individual lot. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.*
- (c) Side lot lines. As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.*

**Response:** All lots are configured in a manner that is practicable. The site plan sheet included in the preliminary civil engineering plans illustrates that the proposed duplexes will meet the required setbacks. This will be further evaluated during the building permit application process.

### *Sec. 800.020 – Designation of lot lines.*

- (a) Front lot line. The front lot line shall be designated as set forth in this subsection (see Figure 800-1).*
  - (1) Interior lot. For an interior lot, the front lot line shall be the property line abutting the street.*

- (2) *Corner lot.* For a corner lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension standards are met.
- (3) *Double frontage lot.* For a double frontage lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension requirements are met.
- (4) *Flag lot.* For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan of the plat, which shall be recorded on deeds conveying lots.
- (5) *Other lots.* In the case of any lot not covered by subsections (a)(1) through (4) of this section, the front lot line shall be the property line that the architecturally designed front of the building faces.

**Response:** The front lot line for corner lot 1 and lot 4 will remain as the north property line because the front of the existing dwellings face north. The front lot line for lots 2 and 3 will be the north property line abutting the street and front lot line for lot 5 will be the west property line abutting the private drive.

- (b) *Rear lot line.* The rear lot line shall be designated as set forth in this subsection (see Figure 800-2).
  - (1) *Generally.* For all lots, except those identified in subsection (b)(2) of this section, the rear lot line shall be the property line that is opposite and most parallel to, and located the greatest distance from, the front lot line.
  - (2) *Trapezoidal, triangular, diamond, or other shaped lots.* For trapezoidal, triangular, diamond, or other shaped lots with a distance between the side lot lines at the rear of the lot of less than ten feet, the rear lot line for purposes of determining required setbacks shall be a line ten feet in width drawn between the side lot lines and located parallel to and at the maximum distance from the front lot line (see Figure 800-3).

**Response:** The rear and side lot lines for the proposed subdivision are as designated in this section.

#### Sec. 800.025 – Flag lots.

*Flag lots are allowed subject to the standards set forth in this section.*

- (a) *Lot area.* The lot area of a flag lot shall conform to the lot area standards of the UDC. Lot area shall be calculated exclusive of the flag lot accessway.
- (b) *Lot dimensions.* The lot dimensions of a flag lot shall conform to the lot dimension standards of the UDC. Lot dimensions shall be calculated exclusive of the flag lot accessway.

**Response:** Flag lot 5 conforms to the area and dimension standard set forth in the UDC Chapter 511 – Single Family Residential.

- (c) *Flag lot accessways.* Flag lot accessways shall be developed and maintained in conformance with the standards set forth in Table 800-1 and this subsection.

| TABLE 800-1. FLAG LOT ACCESSWAY STANDARDS |                |             |             |
|---|----------------|-------------|-------------|
| Number of Lots Served by Accessway        | Maximum Length | Total Width | Paved Width |



|   |                        |             |             |
|---|------------------------|-------------|-------------|
| 1 – 2 units<br>(residential zoned property)   | 150 ft. <sup>(1)</sup> | Min. 20 ft. | Min. 15 ft. |
| 3 – 4 units<br>(residential zoned property)   | 400 ft. <sup>(1)</sup> | Min. 25 ft. | Min. 20 ft. |
| 1 – 4 units<br>(nonresidential zoned property)  | 400 ft. <sup>(1)</sup> | Min. 27 ft. | Min. 22 ft. |
| <u>Limitations and Qualification</u><br>(1) Maximum flag lot accessway length shall not apply where geographic features make it impractical, and when approved by the Planning Administrator following review and recommendation by the Fire Marshal. |                        |             |             |

**Response:** The proposed flag lot accessway is 25 ft. in width and 150 ft. in length, with a 22 ft. paved width; therefore complying with the above standards, see preliminary civil engineering plans.

- (1) Maximum development served by flag lot accessway. A maximum of four lots may be served by a flag lot accessway. For residential lots created after November 28, 2022, a maximum of four residential units may be served by the flag lot accessway.

**Response:** The proposed flag lot accessway will be serving three lots, and each lot will be developed with a duplex for a total of 6 units. This exceeds the maximum number of units a flag lot accessway can served; therefore, a Class 2 adjustment is being requested as part of this land use application.

- (2) Flag lot accessway grade. Flag lot accessway grade shall conform to the Salem Fire Prevention Code.
- (3) Fire Department access and flag lot accessway turnarounds.
- (A) Unobstructed fire apparatus access shall be provided to within 150 feet of any facility, building, or portion of a building, unless the building is equipped with an approved automatic fire sprinkler system or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.
- (B) Flag lot accessways greater than 150 feet in length shall include a turnaround meeting Salem Fire Prevention Code standards, unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.

**Response:** The flag lot accessway will be graded to conform with the Salem Fire Prevention Code as required. The flag lot accessway is 150 ft in length and is within 150 feet pull length to all portions of the buildable area. See fire access plan included in the preliminary civil engineering plans.

- (d) Parking prohibited on flag lot accessways. Parking shall be prohibited on flag lot accessways. No parking signs shall be posted and maintained on both sides of the accessway. The signs shall read "NO PARKING"; provided, however, where parking is prohibited because of a fire lane, the signs shall read "NO PARKING - FIRE LANE" and shall be installed in accordance with Salem Fire Prevention Code standards.

**Response:** The developer will post “NO PARKING – FIRE LANE” signs on both sides of the flag lot accessway as required by this section.

*Sec. 800.031 – Maintenance easements for dwelling units.*

*No building permit shall be issued for a townhouse, zero side yard dwelling, or any other dwelling unit which is constructed contiguous to a property line unless the applicant provides a copy of a recorded easement from the owner of the property that abuts the dwelling unit providing for reasonable ingress, egress, and use of such abutting property for the purpose of maintaining, repairing, and replacing the premises. The easement shall be in a form approved by the City Attorney.*

**Response:** A 25-foot access and utility easement and maintenance agreement will be recorded providing ingress and egress to lots 2, 3, and 5.

*Sec. 800.040 – Special Setbacks*

*(a) Generally. To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established. No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.*

**Response:** No special setbacks have been identified on the subject property.

*Sec. 800.045 – Height*

*(a) Generally. Unless otherwise provided under the UDC, standards relating to height shall apply to all buildings and structures. Height shall be measured as set forth in SRC chapter 112.*

**Response:** The existing single-family dwellings units meet the required building height requirements set forth in SRC chapter 112. The proposed duplexes will be designed to comply these standards. This will be further evaluated during the building permit application process.

*Sec. 800.050 – Fences, walls, hedges, gates, and retaining walls*

*Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC chapter 807, in addition to the standards set forth in this section. For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the wall of the main building lying at the greatest distance from the front property line.*

*(a) Location, height, and density. Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.*

*(1) Fences and walls*

*(A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:*

*(i) Front yard abutting street. Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the*

*property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.*

- (ii) Side and rear yards abutting street. Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.*

**Response:** The development is not proposing fences or walls at this time; however, the applicant will comply with the above standards if a fencing permit is applied for.

- (2) Hedges. There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.*

**Response:** Hedges are not proposed at this time; however, any future proposed hedges will comply with the above standards.

- (3) Gates. Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.*

**Response:** Gates are not proposed at this time; however, any future proposed gates will comply with the above standards.

- (4) Retaining walls. Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.*

**Response:** Retaining walls are not proposed at this time; however, any future proposed retaining wall will comply with the above standards.

- (b) Vision clearance. Notwithstanding any other provision of this section, fence, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC chapter 805.*

**Response:** No fences, walls, gates, and retaining walls are proposed at this time, if the applicant proposes any of these in the future, they will comply with the vision clearance requirements.

**(c) Material**

- (1) Fences. Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chainlink fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.*

- (2) *Walls. Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.*

**Response:** Fences and walls are not proposed at this time; however, if the applicant proposes any of these in the future, they will comply with the above materials standards.

- (d) *Hazardous materials. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:*

**Response:** Fences and walls are not proposed at this time; however, if the applicant proposes any of these in the future, they will not include any hazardous materials.

- (e) *Maintenance. Fences and walls shall be structurally maintained in safe condition. Wooden materials shall be protected from rot, decay, and insect infestation, and replaced as necessary. Failure to maintain an electric fence in conformance with the standards set forth in this section shall result in the fence being declared a public nuisance subject to abatement under SRC chapter 50.*

**Response:** Fences and walls are not proposed at this time; however, if the applicant proposes any of these in the future, they will comply with the above maintenance standards.

#### *Sec. 800.060 – Exterior Lighting*

- (a) *Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-way.*
- (b) *Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either:*
- (1) *Completely shielded from direct view; or*
  - (2) *No greater than five foot-candles in illumination.*

**Response:** The applicant understands that exterior lighting standards apply to this project. The applicant will comply with the above exterior lighting standards.

### CHAPTER 802 – PUBLIC IMPROVEMENTS

#### *Sec. 802.001 – Purpose.*

*The purpose of this chapter is to establish the means and standards whereby public improvements are provided for development within the City.*

**Response:** Applicable standards found in this chapter are cited below and compliance with the standards is provided.

#### *Sec. 802.015 – Development to be served by city utilities*

*Except as provided under SRC 802.035 and 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.*

**Response:** The existing single-family dwelling units are currently served by City utilities. The three undeveloped lots will be served by city utilities designed and constructed in accordance with applicable provisions of the SRC and PWDS. See utility plan included in the preliminary civil engineering plans.

*Sec. 802.020 – Easements.*

*Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than ten feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.*

**Response:** During the development review at the pre-application meeting the applicant was requested to provide a 10-foot-wide public utility easement along both Market Street and Tierra Drive. The subdivision will provide this easement as requested; see dimension plan included in the preliminary civil engineering plans for illustration.

*Sec. 802.025 – Utilities to be placed underground.*

- (a) Except as otherwise provided in this section, all utility service shall be provided by underground facilities.*
- (b) In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.*
- (c) Stormwater management shall be provided by above ground and below ground facilities.*

**Response:** All proposed utilities will be placed underground as required; see utility plan included in the preliminary civil engineering plans for illustration.

**CHAPTER 803 – STREETS AND RIGHT-OF-WAY IMPROVEMENTS**

*Sec. 803.001 – Purpose.*

*The purpose of this chapter is to establish standards for streets and other improvements within public right-of-way in the City.*

**Response:** Applicable standards found in this chapter are cited below and compliance with the standards is provided.

*Sec. 803.010 – Streets, generally.*

*Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.*

**Response:** The proposed subdivision does not propose any new public streets. The proposed subdivision is served by two boundary streets, Market Street and Tierra Drive, both streets meet the right-of-way and improvement standards for the classification of street. The street improvements will be limited to replacing two existing non-conforming driveway approaches with sidewalk and street trees and providing a 10-foot-wide utility easement along both street frontages.

*Sec. 803.015 – Traffic impact analysis.*

- (a) *Purpose. The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.*

**Response:** During the development review at the pre-application meeting, it was stated that a Traffic Impact Analysis will not be required.

*Sec. 803.020 – Public and private streets.*

- (a) *Public streets. Except as provided in subsection (b) of this section, all streets shall be public streets.*
- (b) *Private streets.*
- (1) *Internal streets in subdivisions, partitions, and planned unit developments may be either public or privately owned; provided that the internal streets may be required to be public, given the connectivity, size, configuration, location, and number of lots or dwelling units, and the nature and location of public and common facilities and proposed uses.*
  - (2) *Private streets shall conform to this chapter and the Public Works Design Standards, unless otherwise required by state law.*
  - (3) *Any subdivision, partition, or planned unit development that includes private streets shall have recorded covenants, conditions, and restrictions which provide that all common property owners shall be members of a property owners' association. The covenants, conditions, and restrictions shall, at a minimum, require that the association be responsible for the perpetual maintenance and operation of all private streets and related facilities in the development, including, but not limited to, parking areas, private streets, privately owned pedestrian/bikeways, and landscape strips. Such association shall have the power to levy and assess against privately owned property in the development all necessary costs for maintenance and operation of the private streets and related facilities.*

**Response:** The proposed subdivision includes the construction of a shared private street to provide access to lots 2, 3, and 5. The private street will be designed to conform to this chapter and Public Works Design Standards, see preliminary civil engineering plans for illustration. A covenant, conditions, and restrictions shall be recorded for the private street as required.

*Sec. 803.025 – Right-of-way and pavement widths.*

- (a) *Except as otherwise provided in this chapter, right-of-way width for streets and alleys shall conform to the standards set forth in Table 803-1.*

| TABLE 803.1. RIGHT-OF-WAY WIDTH |             |                              |
|---------------------------------|-------------|------------------------------|
| Right-of-Way                    | Width       | Limitations & Qualifications |
| Minor Arterial                  | Min. 72 ft. |                              |
| Local Street                    | Min. 60 ft. |                              |

**Response (Market Street):** Market Street is classified as a Minor Arterial according to Salem Transportation System Plan. The min. required right-of-way width is 72 ft. and the existing right-of-way width is 72 ft.; therefore, this standard is met.

**Response (Tierra Drive):** Tierra Street is classified as a Local Street according to Salem Transportation System Plan. The min. required right-of-way width is 60 ft. and the existing right-of-way width is 60 ft.; therefore, this standard is met.

(b) *Except as otherwise provided in this chapter, streets shall have an improved curb-to-curb pavement width as set forth in Table 803-2.*

| TABLE 803.2. PAVEMENT WIDTH |             |                              |
|-----------------------------|-------------|------------------------------|
| Street Type                 | Width       | Limitations & Qualifications |
| Minor Arterial              | Min. 46 ft. |                              |
| Local Street                | Min. 30 ft. |                              |

**Response (Market Street):** The min. required pavement width is 46 ft. and the existing pavement width varies from 46 ft to 54 ft.; therefore, this standard is met.

**Response (Tierra Drive):** The min. required pavement width is 30 ft. and the existing pavement width is 34 ft.; therefore, this standard is met.

- (c) *Additional right-of-way, easements, and improvements may be required to accommodate the design and construction of street improvement projects due to steep slopes, soils, water features, wetlands, transit bus bays, and other physical constraints.*
- (d) *Additional right-of-way and roadway improvements at the intersections of parkways, major arterial, minor arterial, and collector streets, and at intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes, may be required. The design of all intersections shall conform to the Public Works Design Standards.*
- (e) *When an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, dedication and improvement of streets to greater widths than those provided in subsection (a) of this section may be required.*

**Response:** No additional right-of-way, easements, or improvements have been requested at this time and are not anticipated due to both boundary streets currently meeting the improvement standards for the classification of street.

Sec. 803.035 – Street standards.

*All public and private streets shall be improved as follows:*

- (a) *Connectivity. Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:*
- (1) Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.*
  - (2) Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or*

- (3) *The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.*

**Response:** The proposed subdivision does not propose any internal streets; therefore, this standard does not apply.

*Sec. 803.040 – Boundary streets.*

- (a) *General. Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following:*
- (1) *Subdivisions;*
  - (2) *Partitions;*
  - (3) *Planned unit developments;*
  - (4) *Manufactured dwelling parks; and*
  - (5) *The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC chapter 56.*

**Response:** The proposed subdivision is served by two boundary streets, Market Street and Tierra Drive. Both streets meet the right-of-way and improvement standards for the classification of street. The street improvements will be limited to replacing two existing non-conforming driveway approaches with sidewalk and street trees and providing a 10-foot-wide utility easement along both street frontages.

- (b) *Three-quarter street improvement. If construction of a half-street improvement is insufficient to provide for a minimum of one 12-foot-wide travel lane in each direction or proper street grade, dedication of right-of-way for, and construction or improvement of, a three-quarter street improvement may be required.*

**Response:** Both boundary streets are developed with full street improvements; therefore, this standard does not apply.

- (c) *Additional right-of-way and improvements. Dedication and improvement of streets to greater widths than those provided in SRC 803.025 may be required when:*
- (1) *An area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant.*
  - (2) *Topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way width or slope easements may be required to allow for all cut and fill slopes.*
  - (3) *Additional area is required for stormwater facilities located within the right-of-way.*

**Response:** Both boundary streets are developed with full street improvements and no additional right-of-way and improvements are anticipated; therefore, this standard does not apply.

- (d) *Exceptions. Notwithstanding subsections (a) and (b) of this section, the dedication of right-of-way for, and construction or improvement of, boundary streets is not required in the following circumstances:*
- (1) *Improvement of the boundary street abutting the property is a funded project in the Five Year Capital Improvement Program;*



- (2) *The construction of a new building or structure in a complex, if the new building or structure is less than 2,000 square feet. This exception shall be based on the extent of development existing on December 31, 1995;*
- (3) *The enlargement of any building or structure, if the enlargement results in less than a 50 percent increase in gross building area. This exception shall be based on the extent of development existing on December 31, 1995;*
- (4) *The construction or enlargement of any building or structure to be used entirely for agriculture, the keeping of livestock and other animals, or animal services, as defined in SRC chapter 400, and which involve no retail sales;*
- (5) *The conversion of, or addition to, an existing single-family detached dwelling to create a duplex, triplex, or quadplex; or*
- (6) *The construction or enlargement of any building or structure that will generate less than 20 new vehicle trips per day according to the Institute of Transportation Engineers' Trip Generation Manual.*

**Response:** Both boundary streets are developed with full street improvements; therefore, this standard does not apply.

*(e) Improvement.*

- (1) *All boundary street improvements shall conform to this chapter and the Public Works Design Standards.*
- (2) *The maximum amount of street widening shall not exceed 17 feet on the development side, plus curb, gutters, sidewalks, bike lanes, stormwater facilities, street lights, and signing where appropriate. The minimum requirement for the opposite side of the centerline is a 12-foot-wide paved travel lane. The boundary street improvement shall be provided along the full length of the boundary.*
- (3) *If development is proposed for only a portion of a development site or complex, the boundary street improvement shall be provided as follows:*
  - (A) *Where the area of development exceeds 25 percent of the total development site or complex area, the street improvements shall be the greater of either the actual street frontage of the phase being developed, or the percentage of street frontage equal to the percentage of area being developed.*
  - (B) *Where the area of development is equal to or less than 25 percent of the total development site or complex area, the street improvement shall be provided in accordance with the following formula:*
    - (i) *Frontage of Required Street Improvement = Proposed Area of Development ÷ Area of Undeveloped Site x Total Street Frontage of Entire Development Site or Complex.*
  - (C) *As used in this subsection, the term "area of development" means that area required for structures, setbacks, off-street parking, landscaping, and any special setbacks.*

**Response:** Both boundary streets are developed with full street improvements; therefore, this standard does not apply.

*Sec. 803.060 – Conveyance by dedication.*

*All streets within subdivisions or partitions, other than private streets allowed under SRC 803.020, shall be dedicated to the City on the plat.*

**Response:** The proposed subdivision does not propose any internal streets; therefore, this standard does not apply.

CHAPTER 804 – DRIVEWAY APPROACHES

*Sec. 804.001 – Purpose.*

*The purpose of this chapter is to establish development standards for safe and efficient access to public streets.*

**Response:** Applicable standards found in this chapter are cited below and compliance with the standards is provided.

*Sec. 804.015 – Driveway approach permit required.*

*(a) Except as otherwise provided in this chapter, a driveway approach permit shall be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.*

**Response:** This development will require a driveway approach permit to allow for the removal of the two most western driveway approaches along Market Street, to be replaced with a new sidewalk. This development will also create a new driveway approach along Tierra Drive; see preliminary civil engineering plans for illustration.

*(b) Exceptions. A driveway approach permit is not required for:*

- (1) The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or*
- (2) The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.*

**Response:** This project is not exempted from the driveway approach permit requirements.

*Sec. 804.020 – Class 1. Driveway approach permit.*

*(a) Required. A Class 1 driveway approach permit is required for:*

- (1) A driveway approach onto a local or collector street providing access to a single family, two family, three family, or four family use.*
- (2) A driveway approach onto an arterial street providing access to an existing single family, two family, three family, or four family use.*
- (3) A driveway approach onto an arterial street providing access to a proposed single family, two family, three family, or four family use on an existing lot created prior to March 16, 2022.*
- (4) A driveway approach for any land-locked lot or parcel providing access onto a local or collector street, unless the driveway is part of an existing shared access.*
- (5) Maintenance, repair, or replacement of an existing permitted driveway approach, other than maintenance, repair, or replacement that is part of, or needed for, redevelopment of commercial or industrially zoned property.*

**Response:** The applicant is requesting a driveway approach permit to allow for the removal of the two most western driveway approaches along Market Street, to be replaced with a new sidewalk and to create a new driveway approach along Tierra Drive. See preliminary civil engineering plans for illustration.

*(b) Procedure type. A Class 1 driveway approach permit is processed as a Type I procedure under SRC chapter 300.*

**Response:** This request is included as part of this land use application.

(c) *Submittal requirements. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 driveway approach permit shall include the following:*

- (1) A completed application form.
- (2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
  - (A) The location and dimensions of the proposed driveway approach;
  - (B) The relationship to nearest street intersection and adjacent driveway approaches;
  - (C) The location of all utilities;
  - (D) The location of any existing or proposed buildings, structures, or vehicular use areas;
  - (E) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and
  - (F) The location of any street trees adjacent to the location of the proposed driveway approach.

**Response:** As previously noted, the requested driveway approach permit is part of this land use application; refer to preliminary civil engineering plans for site plan illustrating compliance with the standards.

(d) *Criteria. A Class 1 driveway approach permit shall be granted if the proposed driveway approach meets the standards of this chapter and the Public Works Design Standards.*

**Response:** The existing two most western driveway approaches along Market Street, a minor arterial, are being proposed for removal because they are non-conforming approaches and will be replaced with a new sidewalk. A new shared driveway approach is proposed along Tierra Drive, a local street, to provide access to lots 2, 3, & 5. The driveway approach is designed to meet Public Works Design Standards.

*Sec. 804.030 – Access onto local and collector streets*

(a) *Number of driveway approaches. Except as otherwise provided in this chapter, a lot or parcel is entitled to one driveway approach onto a local or collector street. Additional driveway approaches from a single family, two family, three family, or four family use onto a local or collector street may be allowed through Class 1 driveway permit approval.*

**Response:** Lot 1 will be served by an existing driveway approach located along Tierra Drive, a local street, and a new shared driveway approach is proposed to access lots 2,3, and 5. See preliminary civil engineering plans for illustration.

(b) *Permitted access.*

- (1) *Driveway approaches onto local and collector streets shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.*
- (2) *No access shall be provided onto a local or collector street from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.*

**Response:** Both driveway approaches on Tierra Drive provide access to a permitted parking area and the proposed new subdivision does not abut an existing alley.

- (c) *Spacing. Driveway approaches providing direct access to a collector street shall be located no less than 200 feet from intersections with major arterials or minor arterials, measured from centerline to centerline.*

**Response:** The proposed development does not provide direct access onto a collector street.

- (d) *Vision clearance. Driveway approaches onto local and collector streets shall comply with the vision clearance requirements set forth in SRC chapter 805.*

**Response:** Both driveway approaches along Tierra Drive are designed to meet the vision clearance requirements set forth in SRC chapter 805.

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

- (a) *Number of driveway approaches.*

- (3) *A single family, two family, three family, or four family use is entitled to one driveway approach onto a major or minor arterial where:*

- (A) *The driveway approach provides access to an existing single family, two family, three family, or four family use; or*  
(B) *The driveway approach provides access to a proposed single family, two family, three family, or four family use on a lot created prior to March 16, 2022.*

**Response:** The proposed subdivision will retain an existing driveway approach onto Market Street, a minor arterial, that provides access to an existing single-family dwelling. This existing driveway approach will remain because removing it would impact the existing significant tree located near the driveway.

- (b) *Traffic volume threshold. No driveway approach onto a major or minor arterial shall be allowed unless the development generates 30 or more vehicle trips per day or the driveway approach provides access to a city park or a single family, two family, three family, or four family use.*

**Response:** The existing driveway approach that will remain for lot 4 will provide access to an existing single-family dwelling.

- (c) *Permitted access.*

- (1) *Driveway approaches onto major and minor arterials shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.*  
(2) *For a corner lot that abuts a local or collector street, the driveway approach shall provide access to the street with the lower street classification.*  
(3) *No access shall be provided onto a major or minor arterial from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.*  
(4) *No access shall be provided onto a major or minor arterial from a single family, two family, three family, or four family use constructed as part of a subdivision or partition.*  
(5) *Only forward in/forward out access shall be allowed onto a major or minor arterial.*

**Response:** The existing driveway approach that will remain for lot 4 will provide access to a permitted parking area and the parking area has sufficient space for forward in/forward out access onto Market Street. Lot 4 does not abut a street with a lower classification or an alley.

- (d) *Spacing. Except for driveway approaches providing access to a single family, two family, three family, or four family use, driveway approaches onto a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.*

**Response:** The existing driveway approach along Market Street will provide access to a single family dwelling; therefore, this section does not apply.

- (e) *Vision clearance. Driveway approaches onto major and minor arterials shall comply with the vision clearance requirements set forth in SRC chapter 805.*

**Response:** The existing driveway approach for lot 4 does not comply with the vision clearance requirements set forth in SRC chapter 805 due to the location of the existing significant tree; therefore, a Class 2 adjustment is request is included as part of this land use application.

*Sec. 804.040 – Access onto parkways.*

**Response:** The proposed development does not provide access onto a parkway, so this section is not applicable.

*Sec. 804.045 – Shared access.*

- (a) *Shared access may be required to serve two or more abutting lots or parcels, when necessary to mitigate or eliminate traffic impacts or safety concerns. Shared access may be provided at the request of an applicant; provided, however, that once the applicant's request has been approved, shared access shall not be eliminated without first obtaining a Class 2 driveway permit.*
- (b) *Shared access shall conform to this chapter and the Public Works Design Standards, and shall be provided by permanent irrevocable easements that are recorded in the appropriate county.*
- (c) *Lots and parcels shall be permitted to use temporary direct access onto a street until permanent shared access has been established.*

**Response:** The development is proposing a shared access for lots 2, 3, and 5 to provide access off a lower classification street. The shared access will be designed and constructed in accordance with the SRC and PWDS. A permanent irrevocable easement will be recorded for the proposed shared access.

*Sec. 804.050 – Driveway approach development standards.*

*Driveway approaches shall conform to the following development standards:*

- (a) *Design and construction. Driveway approaches shall be designed and constructed in conformance with this chapter and the Public Works Design Standards.*

**Response:** The proposed driveways will meet Public Works Design Standards as required. Refer to preliminary civil engineering plans for location, dimensional information, and proposed design.

(b) *Width*

- (1) *Driveway approach width for single family, two family, three family, and four family uses . Driveway approaches serving single family, two family, three family, and four family uses shall conform to the minimum and maximum widths set forth in Table 804-1.*

**TABLE 804-1. DRIVEWAY APPROACH WIDTH FOR SINGLE FAMILY, TWO FAMILY, THREE FAMILY, AND FOUR FAMILY USES**

| Number of Parking Spaces Served | Width   |         |
|---------------------------------|---------|---------|
|                                 | Minimum | Maximum |
| 1 space                         | 10 ft.  | 15 ft.  |
| 2 spaces                        | 14 ft.  | 24 ft.  |
| 3 or more spaces                | 18 ft.  | 36 ft.  |

(a) *Measurement.* For purposes of this subsection, driveway approach width shall be determined by measurement of the paved surface of the driveway at the property line.

**Response:** The existing driveway for lot 4 to remain along Market Street is 19.1-feet at the property line, so it meets the standards. The driveway for lot 1 is 17.9-feet at the property line and will serve two parking spaces, so it meets the standards. The shared driveway for lots 2, 3, and 5 is 22.0-feet at the property line, so it meets the standards.

*Sec. 804.055 – Driveway approach relocation, reconstruction, and maintenance.*

- (a) *General.* The Director may require the relocation, reconstruction, or maintenance of a driveway approach where:
- (1) *The driveway approach has become hazardous due to traffic congestion. The determination that a driveway approach is hazardous to the public's use of the right-of-way shall be based on traffic engineering principles and traffic investigations;*
  - (2) *The driveway approach is not constructed in conformance with this chapter and the Public Works Design Standards;*
  - (3) *The driveway approach is not maintained in a safe manner; or*
  - (4) *A public street improvement project is being constructed, and relocation of the driveway approach will more closely conform to the current driveway approach standards.*

**Response:** During the development review at the pre-application meeting, the city requested closure of the two eastern driveway approaches along Market Street because they were non-conformant. These driveway accesses are being relocated along Tierra Drive, the lower classification street.

*Sec. 804.060 – Driveway approach closure.*

- (a) *General.* The Director may require the closure of a driveway approach where:
- (1) *The driveway approach is not constructed in conformance with this chapter and the Public Works Design Standards;*
  - (2) *The driveway approach is not maintained in a safe manner;*
  - (3) *A public street improvement project is being constructed, and closure of the driveway approach will more closely conform to the current driveway approach standards;*
  - (4) *A new building or driveway is constructed on the property;*
  - (5) *A comprehensive plan change or zone change is proposed for the property served by the driveway;*
  - (6) *The driveway approach has been abandoned; or*
  - (7) *There is a demonstrated safety issue.*

**Response:** As previously stated, during the development review at the pre-application meeting, the city requested closure of the two eastern driveway approaches along Market Street because they were non-conformant. These driveway accesses are being relocated along Tierra Drive, the lower classification street.

## CHAPTER 805 – VISION CLEARANCE

### *Sec. 805.001 – Purpose.*

*The purpose of this chapter is to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.*

**Response:** Applicable standards found in this chapter are cited below and compliance with the standards is provided.

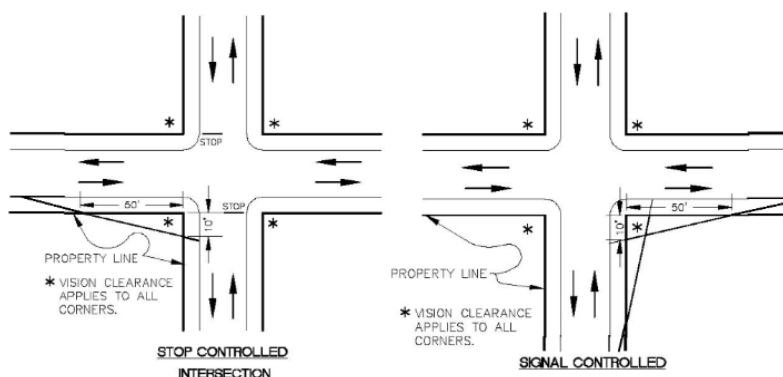
### *Sec. 805.005 – Vision clearance areas*

*Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone.*

(a) *Street intersections. Vision clearance areas at street intersections shall comply with the following:*

(2) *Controlled intersections. At controlled intersections, the vision clearance area shall have a ten-foot leg along the controlled street and a 50-foot leg along the uncontrolled street (see Figure 805-2).*

FIGURE 805-2. CONTROLLED INTERSECTIONS



**Response:** The intersection of Market Street and Tierra Drive is a stop controlled intersection requiring 10-feet of clearance along the Tierra Drive and 50 foot on clearance along Market Street, this standard is met. See site plan sheet included in preliminary civil engineering plans for illustration.

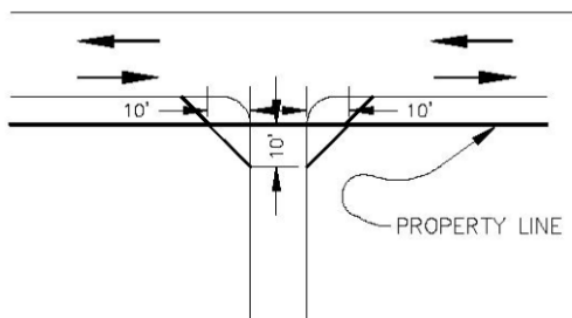
(b) *Intersections with driveways, flag lot accessways, and alleys. Vision clearance areas at intersections of streets and driveways, streets and flag lot accessways, streets and alleys, and alleys and driveways shall comply with the following:*

(1) *Driveways*

(A) *Driveways serving single family and two family uses. Driveways serving single family and two family uses shall have a vision clearance area on each side of the driveway.*

*The vision clearance area shall have ten-foot legs along each side of the driveway, and ten-foot legs along the intersecting street or alley (see Figure 805-4).*

FIGURE 805-4. DRIVEWAYS SERVING SINGLE FAMILY AND TWO FAMILY USES



**Response:** Both driveways along Tierra Drive meet the 10-foot and 10-foot vision clearance requirements. To meet this clearance standard the northern existing driveway along Tierra Drive is requesting the removal of a couple of trees, refer to Chapter 808 of the UDC for more information. The existing driveway along Market Street does not meet the required vision clearance requirements because of a significant tree located on the east side of the driveway; therefore, a Class 2 adjustment is included as part of this consolidated land use application.

*Sec. 805.015 – Alternative standards*

*Alternative vision clearance standards that satisfy the purpose of this chapter, and that are consistent with recognized traffic engineering standards, may be approved where a vision clearance area conforming to the standards of this chapter cannot be provided because of the physical characteristics of the property or street, including, but not limited to, grade embankments, walls, buildings, structures, or irregular lot shape, or where the property has historic neighborhood characteristics, including, but not limited to, established plantings or mature trees, or buildings or structures constructed before 1950. Alternative vision clearance standards shall be approved through a Class 2 Adjustment under SRC chapter 250.*

**Response:** The applicant is seeking an alternative to the vision clearance standards for the most eastern driveway along Market Street that will remain because of a significant tree located on the east side of the driveway; therefore, a Class 2 adjustment is included as part of this consolidated land use application. See site plan sheet included in preliminary civil engineering plans for an illustration of an alternative vision clearance triangle.

**CHAPTER 806 – OFF-STREET PARKING, LOADING AND DRIVEWAYS**

*Sec. 806.001 – Purpose*

*The purpose of this chapter is to establish standards for off-street parking and vehicle use areas, bicycle parking, loading areas, and driveways.*

**Response:** Applicable standards found in this chapter are cited below and compliance with the standards is provided.

*Sec. 806.015 – Amount off-street parking*

*(a) Maximum off-street parking.*



- (1) *Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.*

| TABLE 806-1. MAXIMUM OFF-STREET PARKING   |                                  |                              |
|---|----------------------------------|------------------------------|
| Use                                       | Maximum Number of Spaces Allowed | Limitations & Qualifications |
| Household Living                          |                                  |                              |
| Single family                             | 3 per dwelling unit              |                              |
| Two family, three family, and four family | 1.75 per dwelling unit           |                              |

**Response:** The proposed subdivision will comply with the above maximum parking requirements.

*Sec. 806.020 – Method of providing off-street parking*

- (a) *General. Off-street parking shall be provided through one or more of the following methods:*
- (1) *Ownership. Ownership in fee by the owner of the property served by the parking;*
  - (2) *Easement. A permanent and irrevocable easement appurtenant to the property served by the parking;*
  - (3) *Lease Agreement. A lease agreement with a minimum term of five years; such agreement may be utilized for:*
    - (A) *Uses or activities other than single family and two family in all zones other than the Central Business (CB) Zone; and*
    - (B) *All uses in the Central Business (CB) Zone;*
  - (4) *Lease or rental agreement in parking structure. A lease or rental agreement in an off-street parking facility established pursuant to ORS 223.805 to 223.845; such agreement may be utilized for:*
    - (A) *Uses or activities other than single family and two family in all zones other than the Central Business (CB) Zone; and*
    - (B) *All uses in the Central Business (CB) Zone;*
- (b) *Review and filing of agreement. Prior to execution of any lease, rental, or joint parking agreement set forth in this section, the form of such agreement shall be reviewed by the City Attorney. An executed copy of the approved agreement shall be filed with the Planning Administrator.*

**Response:** The off-street parking will be ownership in fee by the owner of the property served by the parking.

*Sec. 806.025 - Off-street parking and vehicle storage area development standards for single family, two family, three family, and four family uses or activities.*

- (a) *Location within yards.*
- (1) *Front yard abutting street. Within a front yard abutting a street, off-street parking and vehicle storage shall be allowed only:*
    - (A) *Within a garage or carport;*
    - (B) *On a driveway leading to:*
      - (i) *A garage or carport;*

- (ii) A garage that has been legally converted to another use subsequent to its construction as a garage;
  - (iii) A screened off-street parking area; or
  - (iv) A screened vehicle storage area; or
- (2) Side and rear yards abutting street. Within side and rear yards abutting a street, off-street parking and vehicle storage shall be allowed only:
  - (A) Within a garage or carport;
  - (B) Within an off-street parking area or vehicle storage area that is screened as set forth in SRC 806.025(f); or
  - (C) On a driveway leading to:
    - (i) A garage or carport;
    - (ii) A garage that has been legally converted to another use subsequent to its construction as a garage;
    - (iii) A screened off-street parking area; or
    - (iv) A screened vehicle storage area; or
- (3) Interior front, side, and rear yards. Within interior front, side, and rear yards, off-street parking and vehicle storage shall be allowed only:
  - (A) Within a garage or carport;
  - (B) Within an off-street parking area or vehicle storage area that is screened as set forth in SRC 806.025(f); or
  - (C) On a driveway leading to:
    - (i) A garage or carport;
    - (ii) A garage that has been legally converted to another use subsequent to its construction as a garage;
    - (iii) A screened off-street parking area; or
    - (iv) A screened vehicle storage area.

**Response:** Lots 4 and 5 will be served by front off-street parking abutting a street or a private driveway. Lot 1 will be served by side yard off-street parking abutting a street. Lots 2 and 3 will be served by rear yard off-street parking abutting a private driveway.

- (b) Garage or carport vehicle entrance setback abutting street or flag lot accessway. The vehicle entrance of a garage or carport facing a street or flag lot accessway shall be setback a minimum of 20 feet.

**Response:** The all garage or carports will be setback 20 feet from the abutting street or access easement as required.

- (c) Dimensions. Off-street parking spaces shall conform to the minimum dimensions set forth in Table 806-2.

| TABLE 806-2. MINIMUM OFF-STREET PARKING SPACE DIMENSIONS |       |        |
|--|-------|--------|
| Type of Space  | Width | Depth  |
| Compact  | 8 ft. | 15 ft. |
| Standard   | 9 ft. | 19 ft. |

**Response:** The off-street parking spaces for the proposed subdivision will comply with the above minimum dimensions.

- (d) *Maneuvering. Where access to off-street parking is taken from an alley, a minimum maneuvering depth of 24 feet shall be provided between the back of the parking space and the opposite side of the alley.*

**Response:** The proposed subdivision does not propose any alleys; therefore, this section does not apply.

- (e) *Surfacing. Off-street parking areas and vehicle storage areas shall be paved with a hard surface material meeting the Public Works Design Standards.*

**Response:** All new off-street parking areas will be paved with a hard surface material that meets the Public Works Design Standards. Surface material details will be provided before construction.

- (f) *Screening. Off-street parking areas and vehicle storage areas shall be screened as follows:*
- (1) *Off-street parking areas located within a garage or carport or on a driveway are not required to be screened. All other off-street parking areas shall be screened from all public areas, public streets, and abutting residential uses by a minimum six-foot-tall sight-obscuring fence, wall, or hedge.*
  - (2) *Vehicle storage areas within an enclosed structure or on a driveway are not required to be screened. All other vehicle storage areas shall be screened from all public areas, public streets, and abutting residential uses by a minimum six-foot-tall sight-obscuring fence, wall, or hedge.*

**Response:** All off-street parking spaces will occur in garages or driveways; therefore, screening is not required. Any future outdoor vehicle storage areas will be screened as required.

*Sec. 806.030 – Driveway development standards for single family, two family, three family, and four family uses or activities.*

*Unless otherwise provided under the UDC, driveways for single family, two family, three family, and four family uses or activities shall be developed and maintained as provided in this section.*

- (a) *Location. Driveways crossing from the lot line to a permitted off-street parking area by the shortest direct route and circular driveways meeting the standards set forth in subsection (e) of this section shall be permitted within yards abutting streets.*

**Response:** Lots 4 and 5 driveway is located in the front yard, lot 1 driveway is located in the side yard, and lots 2 and 3 driveway is located in the rear yard.

- (b) *Dimensions. Driveways shall conform to the minimum dimensions set forth in Table 806-4. The minimum width of a driveway serving more than one parking space must meet the standard set forth in Table 806-3 for only the first 20 feet of depth behind the parking spaces served; beyond 20 feet, the minimum width may be reduced to ten feet.*

| TABLE 806-3. MINIMUM DRIVEWAY DIMENSIONS |        |        |
|--|--------|--------|
| Number of Parking Spaces Served          | Width  | Depth  |
| 1 space                                  | 10 ft. | 20 ft. |
| 2 spaces                                 | 16 ft. | 20 ft. |
| 3 or more spaces                         | 22 ft. | 20 ft. |

**Response:** The proposed driveway for lot 1 is 16 feet wide at its narrowest point and more than 20 feet in depth; therefore, meeting these standards. The existing driveway for lot 4 is approximately 19 feet wide at its narrowest point and more than 20 feet in depth; therefore, meeting these standards. The driveways for the proposed duplexes will conform to the above minimum dimensions. Driveway dimensions will be shown at the time of building permit application.

*(c) Surfacing.*

- (1) All driveways, except those serving developments on parcels within approved partitions located more than 300 feet from an available sewer, shall be paved with a hard surface material meeting the Public Works Design Standards. Driveways serving developments on parcels within approved partitions located more than 300 feet from an available sewer are not required to be paved.*
- (2) Access to vehicle storage areas shall be paved with a hard surface material meeting the Public Works Design Standards.*

**Response:** All new driveways will be paved with a hard surface material that meets the Public Works Design Standards. Surface material details will be provided at the time of construction documents.

*Sec. 806.045 – Bicycle parking; when required.*

**Response:** The proposed subdivision is proposing single family and two family homes; therefore, bicycle parking is not required.

*Sec. 806.065 – Off-street loading areas; when required.*

**Response:** Off-street loading areas are not required for this proposed subdivision.

**CHAPTER 807 – LANDSCAPING AND SCREENING**

*Sec. 807.001 – Purpose.*

*The purpose of this chapter is to establish standards for required landscaping and screening under the UDC to improve the appearance and visual character of the community, promote compatibility between land uses, encourage the retention and utilization of existing vegetation, and preserve and enhance the livability of the City.*

**Response:** Applicable standards found in this chapter are cited below and compliance with the standards is provided.

*Sec. 807.015 – Landscaping and screening.*

*Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.*

- (a) Landscaping types. Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.*
- (b) Plant materials and corresponding plant unit values. Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade*

*trees, evergreen/conifer trees, or ornamental trees. Plant materials shall provide for a minimum 75 percent coverage of required landscaped areas within five years.*

**Response:** No landscaping or screening is required by the UDC for a single-family subdivision; therefore, this section does not apply. Landscaping will be provided throughout each single-family lots at the time of development.

*(c) Preservation of existing trees and vegetation. The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.*

**Response:** The proposed subdivision will preserve 17 existing trees and will preserve existing vegetation in areas where construction is not taking place. See tree preservation & removal plan included in the preliminary civil engineering plans for illustration of trees being preserved.

*(d) Tree replanting requirements. In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.*

*(1) Removal of trees within required setbacks. When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.*

*(2) Removal of trees from development site. When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.*

**Response:** The proposed subdivision lots will be used for single family and two family dwellings; therefore, this section does not apply.

*(e) Screening standards. Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:*

**Response:** No screening is required by the UDC for a single-family subdivision, if screening for the site is deemed necessary, it will comply to the standards of this section.

*(f) Berm. Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.*

**Response:** The proposed subdivision does not propose any berms; therefore, this section does not apply.

*(g) Street trees. Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.*

**Response:** The development will plant sufficient street trees along its frontage on Market Street and Tierra Drive to meet the standards and specifications set forth in SRC chapter 86.

*Sec. 807.020 – Landscaping plan and landscaping permit.*

*(a) Landscaping plan. A landscaping plan is required for all building permit applications for development subject to the landscaping requirements of this chapter and all landscaping permit applications required under subsection (b) of this section.*

*Landscaping plans shall be of a size and form established by the Planning Administrator, and shall include the following:*

- (1) Scale and north arrow.*
- (2) Lot dimensions and footprint of structure(s).*
- (3) A legend indicating the linear footage of perimeter setbacks abutting a street or right-of-way; the linear footage of perimeter setbacks not abutting a street or right-of-way; total building square footage; total square footage of the interior area of the off-street parking area, calculated per SRC 806.035(d)(2); and total number of parking spaces.*
- (4) The location and size of plant materials, identified by common and botanical names, and their expected coverage within five years.*
- (5) The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.*
- (6) Fence or wall materials, when screening is required under the UDC.*
- (7) Abutting land uses.*
- (8) The type, size, and location of:*
  - (A) Existing trees, as defined under SRC chapter 808, existing trees less than ten inches dbh, and vegetation that will be retained to satisfy landscaping requirements of this chapter.*
  - (B) Existing trees, as defined under SRC chapter 808, proposed for removal.*
- (9) Notwithstanding subsection (a)(8) of this section, where the development site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.*
- (10) An irrigation plan identifying the materials, size, and location of all components of the irrigation system.*
- (11) A two-year plant establishment schedule for:*
  - (A) Landscaped areas where a permanent underground or drip irrigation system is not required because of the use of drought resistant vegetation; or*
  - (B) New vegetation located within stormwater facilities.*

**Response:** It is understood that a landscape plan is required to be prepared and submitted to the City for review and approval as part of the permitting process.

*Sec. 807.025 – Plant material standards.*

*All plant materials shall be, upon installation, vigorous and well-branched, with healthy and well-furnished root systems free of disease, insects, pests, and injuries.*

**Response:** All plant material installed will comply with the above requirements.

*Sec. 807.030 – Tree protection measures during construction.*

*Trees used to meet the landscaping requirements set forth in this chapter shall be protected during construction as provided under SRC chapter 808.*

**Response:** Tree protection measures will be provided during construction for all preserved trees.

*Sec. 807.035 – Installation.*

- (a) Landscaping shall be installed at the time of construction, unless seasonal conditions or temporary site conditions make installation impractical; in which case, an acceptable performance guarantee to ensure installation of the landscaping shall be provided as set forth in SRC 807.050.*
- (b) Landscaping shall be installed in a manner that conforms to the standards of the American Association of Nurserymen, Inc.*

**Response:** Standard is understood; the developer will comply.

*Sec. 807.040 – Irrigation.*

- (a) A permanent underground or drip irrigation system with an approved backflow prevention device shall be provided for all landscaped areas required under the UDC; provided, however, a permanent underground or drip irrigation system is not required for:*
  - (1) Existing healthy vegetation that has been established for at least two years and that is being preserved to meet the landscaping requirements under this chapter;*
  - (2) New vegetation that is drought resistant, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material; and*
  - (3) New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.*
- (b) Wherever feasible, sprinkler heads irrigating lawns or other high-water-demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery, or other reduced-water-requirement areas.*

**Response:** A permanent underground drip irrigation system with an approved backflow prevention device will be provided for the required landscaping areas. The irrigation system will be designed to comply with City of Salem standards.

*Sec. 807.045 – Maintenance.*

- (a) The owner and tenant shall be jointly and severally responsible for maintaining all landscaping material in good condition so as to present a healthy, neat, and orderly appearance.*

*(b) Unhealthy or dead plant materials shall be replaced in conformance with the approved landscape plan.*

**Response:** The developer understands that unhealthy or dead plant materials shall be replaced in conformance with the approved landscape plan.

*Sec. 807.050 – Compliance/ performance assurance.*

- (a) Planting and installation of all required landscaping shall be inspected and approved prior to the issuance of a certificate of occupancy; provided, however, a certificate of occupancy may be issued prior to the complete installation of all required landscaping if a performance guarantee equal to 100 percent of the cost of plant materials and labor, as determined by the Planning Administrator, is filed with the City assuring such installation within 12 months after the certificate of occupancy is issued.*
- (b) A performance guarantee shall consist of a surety bond, cash, certified check, time certificate of deposit, an irrevocable letter of credit, or assignment of savings account in a form approved by the City Attorney and recorded in the deed records of the appropriate county.*
- (c) If the installation of the required landscaping is not completed within the specified period, the performance guarantee may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not properly installed, or not properly maintained shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City to complete the project.*

**Response:** Standard is understood, the applicant will comply with the above criteria prior to issuance of a certificate of occupancy.

*Sec. 807.055 – Administrative relief.*

*Unless otherwise provided under the UDC, when special circumstances or exceptional site characteristics are applicable to a property, the landscaping requirements of this chapter may be modified through a Class 3 site plan review, pursuant to SRC chapter 220, upon finding that one of the following criteria is met:*

**Response:** The developer is not requesting administrative relief.

#### CHAPTER 808 – PRESERVATION OF TREES AND VEGATATION

*Sec. 808.001 – Purpose.*

*The purpose of this chapter is to provide for the protection of heritage trees, significant trees, and trees and native vegetation in riparian corridors, as natural resources for the City, and to increase tree canopy over time by requiring tree preservation and planting of trees in all areas of the City.*

**Response:** Applicable standards found in this chapter are cited below and compliance with the standards is provided.

*Sec. 808.010 – Heritage trees*



- (a) *Designation of heritage trees. The Council may, by resolution, designate a heritage tree upon nomination by the property owner, in recognition of the tree's location, size, or age; botanical interest; or historic or cultural significance.*
- (b) *Protection of heritage trees. No person shall remove a heritage tree unless the tree has been determined to be a hazardous tree by a certified arborist, and such determination is verified by the Planning Administrator.*
- (c) *Rescinding heritage tree designation. The Council shall rescind a heritage tree designation if the tree has been removed pursuant to subsection (b) of this section.*

**Response:** No designated heritage trees are located on the subject property; therefore, this section does not apply.

*Sec. 808.015 – Significant trees*

*No person shall remove a significant tree, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045.*

**Response:** The applicant is requesting a tree conservation plan approval under SRC 808.035 to remove 3 significant trees. Tree number 3151 is located on lot 1 proposed driveway location, tree number 88001317 is location is negatively impacting the private utilities serving lot 4 and will impede the building construction on lot 3 and tree number 88001363 location would impede the construction of the future driveway and building for lot 5 and during these construction activities more than 30 percent of the trees critical root zone will be impacted. See tree removal and preservation plan included in the preliminary civil engineering plans.

*Sec. 808.020 – Trees and native vegetation in riparian corridors.*

*No person shall remove a tree in a riparian corridor or native vegetation in a riparian corridor, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Roots, trunks, and branches of trees removed in riparian corridors shall remain within the riparian corridor, unless determined to be a potential hazard or impediment to stream flow by the Director.*

**Response:** No riparian corridors are present within the subject property; therefore, this section does not apply.

*Sec. 808.025 – Trees on lots or parcels 20,000 square feet or greater.*

*No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than single family residential, two family residential, three family residential, four family residential, or a cottage cluster.*

**Response:** No tree shall be removed prior to conservation plan being approved under this consolidated land use application.

*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.*
- (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.*
  - (B) *No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees.*
  - (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.*
  - (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.*
  - (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.*
- (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:*
- (A) *Streets. The removal is necessary due to:*
    - (i) *The location and alignment of existing streets extended to the boundary of the subject property;*
    - (ii) *The planned alignment of a street identified in the Salem Transportation System Plan (TSP);*
    - (iii) *A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;*
    - (iv) *Any relocation of the proposed street resulting in lots that do not meet lot standards;*
    - (v) *A required boundary street improvement.*
  - (B) *Utilities. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.*
  - (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.*
  - (D) *Dwelling unit density. The removal is necessary in order to meet a minimum dwelling unit density of 5.5 dwelling units per acre. In consideration of this factor:*
    - (i) *Not more than 15 percent of the proposed dwelling units within the development shall be required to be designated for middle housing in order to meet density requirements and demonstrate there are no reasonable design alternatives enabling preservation of a tree(s); and*

- (ii) *The following may be excluded from the total site area for purposes of calculating density:*
- (a) *Riparian corridors, provided the riparian corridor is not graded or developed;*
  - (b) *Areas of the site with slopes exceeding 25 percent, provided such areas are not graded or developed; and*
  - (c) *Open space that will preserve significant natural features, provided the perpetual maintenance and operation of the open space is provided by a home owners' association.*

**Response:** The applicant is seeking approval to remove 10 trees from the subject property. Three of these trees are considered significant because they have a DBH of 30 inches or greater. The applicant is requesting to remove significant tree #3151, illustrated on the tree removal and preservation plan included in the preliminary civil engineering plans, because it's located on lot 1 proposed driveway location. The applicant is requesting to remove significant tree #88001317 because its location is negatively impacting the private utilities serving lot 4 and will impede the building construction on lot 3. The applicant is requesting to remove significant tree #88001363 because it's situated in a location that when, the future driveway and building for lot 5 is constructed, more than 30 percent of the tree's critical root zone will be impacted. More than 30 percent of the trees located on the subject property will be preserved. See tree removal and preservation plan included in the preliminary civil engineering plans for illustration.

- (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:*

**Response:** Mitigation measures are not required for this project because more than 30 percent of all trees located on the property will be preserved.

*Sec. 808.046 – Protection measures during construction*

*Except where specific protection requirements are established elsewhere under the UDC, any trees or native vegetation required to be preserved or protected under the UDC shall be protected during construction as follows:*

- (a) *Trees. All trees shall be protected during construction with the installation of an above ground silt fence, or its equivalent.*
- (1) *The above ground silt fence shall encompass 100 percent of the critical root zone of the tree.*
  - (2) *Within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.*
  - (3) *Notwithstanding SRC 808.046(a)(2):*
    - (A) *Up to a maximum of 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of the property when a report from an arborist is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed.*

- (B) *Fences, patios, landscaping and irrigation, and accessory and similar structures that do not require a building permit, may be placed or constructed within the critical root zone of a tree.*
- (b) *Native vegetation. All native vegetation shall be protected during construction with the installation of an above ground silt fence, or its equivalent.*
- (1) *The above ground silt fence shall be located around the perimeter of the native vegetation.*
- (2) *Within the area protected by the above ground silt fence, native vegetation shall not be removed and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.*
- (c) *Duration. Protection measures required under this section shall remain in place until issuance of notice of final completion for the dwelling unit(s) on the lot, or issuance of certificate of occupancy in all other cases.*

**Response:** A tree preservation plan is included in the preliminary civil engineering plans submitted to comply with the above requirements.

**Sec. 808.050 – Tree planting requirements.**

- (a) *Within development proposals 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, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1.*
- (b) *If there are insufficient existing trees on a lot or parcel to satisfy the number of trees required under Table 808-1, additional trees sufficient to meet the requirement shall be planted. The additional trees shall be a minimum 1.5-inch caliper.*
- (c) *When a lot includes one or more significant trees that have been designated for preservation under a tree conservation plan, the number of trees required to be replanted on the lot may be reduced by a ratio of two trees for each significant tree preserved on the lot.*

| TABLE 808-1. TREE PLANTING REQUIREMENTS          |                        |
|--|------------------------|
| Lot or Parcel Size                               | Minimum Trees Required |
| Less than 4,000 ft. <sup>2</sup>                 | 1                      |
| 4,000 ft. <sup>2</sup> to 6,000 ft. <sup>2</sup> | 2                      |
| 6,001 ft. <sup>2</sup> to 7,000 ft. <sup>2</sup> | 3                      |
| 7,001 ft. <sup>2</sup> to 8,000 ft. <sup>2</sup> | 4                      |
| 8,001 ft. <sup>2</sup> to 9,000 ft. <sup>2</sup> | 5                      |
| Greater than 9,000 ft. <sup>2</sup>              | 6                      |

**Response:** The applicant will plant sufficient trees to comply with the above criteria.

#### **SECTION 4: ADJUSTMENTS**

This consolidated land use application for approval of the proposed subdivision requires two Class 2 adjustments, referenced below:

- (1) *Sec. 800.025(c)(1) - Maximum development served by flag lot accessway.*
- The maximum development served by a flag lot accessway is four lots and four residential units. The flag lot accessway will serve lots 2,3, and 5 with duplexes on each lot. This will bring the residential unit count to six, exceed the number of residential units a flag lot accessway can serve; therefore, lenience is requested through an adjustment. This adjustment would allow access off the lower classification street, Tierra Drive, for the

proposed 6 dwelling units. This would providing a safer means of egress and ingress and would cause minimal to no impact on traffic in the area.

*(2) Sec. 805.015 – Alternative standards*

The applicant is seeking an alternative to the vision clearance standards for the most eastern driveway along Market Street that will remain because of an existing significant tree located on the east side of the driveway. The relocation of the driveway would not be an option because of the impact the removal of the driveway would have on the existing significant tree. The applicant proposes an alternative vision clearance area with a ten-foot leg along each side of the driveway and a ten-foot leg along the back of the sidewalk. This allows a clear vision east and west along Market Street and still provides a safe pedestrian crossing.

**SECTION 5: CONCLUSION**

Thank you for your consideration of this Subdivision tentative plan application for the approval of a 5-lot subdivision. We believe that this subdivision is designed to predominantly satisfy the intent of the applicable standards of the City of Salem Revised Code and Salem's Comprehensive Plan. This development would bring 6 new single-family attached homes to the City of Salem.