

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

PHASED SUBDIVISION CASE NO.: SUB21-09

APPLICATION NO.: 21-113071-LD

NOTICE OF DECISION DATE: November 3, 2021

SUMMARY: A proposal to develop 29.68 acres into ~~438~~ 139 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into ~~438~~ 139 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.
- 4) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow the frontage along 12th Street SE between the northwest boundary and Drexler Drive SE, and the north boundary of the subject property between Mandy Avenue SE and Hilfiker Lane SE to exceed the 600-foot block length and 600-foot street connectivity standards.
- 5) Allow a section of sidewalk along 12th Street SE adjacent to the natural area to be constructed along the curblin instead of the property line.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

APPLICANT: Martin Kehoe, Kehoe Northwest Properties, LLC

LOCATION: 4540 Pringle Rd SE, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapter 205.010(d) – Subdivision Tentative Plan

FINDINGS: The findings are in the attached Decision dated November 3, 2021.

DECISION: The **Planning Administrator APPROVED** Phased Subdivision SUB21-09 subject to the following conditions of approval:

Conditions of Approval for Both Phases:

- Condition 1:** An Inadvertent Discovery Plan shall be filed with the City prior to any ground disturbing activity associated with development.
- Condition 2:** Dwellings constructed on proposed lots 82-87, which access portions of 12th Street SE that exceed 12 percent street grade, shall require installation of fire sprinklers in compliance with applicable Fire Department access and fire prevention standards.
- Condition 3:** The front property lines for corner lots shall be designated as follows:

Lot Number	Front Lot Designation
5	North line abutting Aldridge Ave
6	East line abutting Hillrose St
21	North line abutting Hilfiker Ln
25	North line abutting Hilfiker Ln
39	West line abutting Ramsay Rd
50	North line abutting Hilfiker Ln
69	South line abutting Hilfiker Ln
76	East line abutting Hilfiker Ln
81	North line abutting Drexler Dr
88	South line abutting Drexler Dr
90	South line abutting Drexler Dr
97	South line abutting Walton Wy
108	West line abutting Walton Wy
109	East line abutting Hilfiker Ln
119	North line abutting Walton Wy
121	South line abutting McCollum St
122	North line abutting McCollum St
126	East line abutting Hilfiker Ln
133	East line abutting Hilfiker Ln
134	West line abutting Porter Pl

- Condition 4:** The flag lot accessway shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 5:** Recorded covenants, conditions, and restrictions for the development shall be provided prior to final plat approval that shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association consistent with the requirements of SRC 205.035(f).

- Condition 6:** Provide a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 7:** Coordinate with the City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.
- Condition 8:** Trees proposed for removal that are located within the right-of-way of abutting streets shall follow the procedures of SRC Chapter 86.
- Condition 9:** Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).
- Condition 10:** Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS.
- Condition 11:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots.
- Condition 12:** All necessary (existing and proposed) access and utility easements must be shown on the final plat.

Phase 1 Conditions of Approval:

- Condition 13:** Construct Hilfiker Lane SE from the intersection with 12th Street SE to the intersection of Pringle Road SE and Battle Creek Road SE to Collector B Street standards and in compliance with PWDS. Hilfiker Lane SE at the intersection of Pringle Road SE and Battle Creek Road SE shall include an eastbound to northbound left turn lane and an eastbound to southbound right turn lane. The maximum street grade for Hilfiker Lane shall be 10 percent.
- Condition 14:** Construct a left turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.
- Condition 15:** Construct internal streets to Local street standards, with the following exceptions: proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803 as shown on the application materials.
- Condition 16:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hillrose Street SE. Construct a three-quarter-street improvement along the frontage of Hillrose Street SE to Local street standards.
- Condition 17:** From Chaparral to the west line of tax lot 083W11BC03200, provide a 30-foot-wide public access easement along the south line of the subject property. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.

Condition 18: Provide a minimum 15-foot-wide pedestrian access easement and construct a minimum 10-foot-wide pedestrian walkway pursuant to PWDS between Hilfiker Lane and Ramsay Road and through the proposed open space.

Phase 2 Conditions of Approval:

Condition 19: Construct internal streets to Local street standards.

Condition 20: Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of 12th Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Construct a half-street improvement along the frontage of 12th Street SE to local street standards except as follows:

- a. The street grade may exceed the standard of 12 percent by matching the existing grade of 12th Street SE.
- b. The sidewalk may be located along the curb line abutting the open space area.

The rights granted by the attached decision must be exercised, or an extension granted, by November 19, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>September 13, 2021</u>
Notice of Decision Mailing Date:	<u>November 3, 2021</u>
Decision Effective Date:	<u>November 19, 2021</u>
State Mandate Date:	<u>February 10, 2022</u>

Case Manager: Aaron Panko, Planner III, APanko@cityofsalem.net, 503-540-2356

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Thursday, November 18, 2021. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 205. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM
(SUBDIVISION PLAT NO. 21-09)**

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<http://www.cityofsaalem.net/planning>*

IN THE MATTER OF THE)	FINDINGS AND ORDER
APPROVAL OF TENTATIVE)	
SUBDIVISION CASE NO. 21-09)	
4540 PRINGLE ROAD SE)	NOVEMBER 3, 2021

REQUEST

A phased subdivision tentative plan to divide approximately 29.68 acres into 438 139 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.
- 4) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow the frontage along 12th Street SE between the northwest boundary and Drexler Drive SE, and the north boundary of the subject property between Mandy Avenue SE and Hilfiker Land SE to exceed the 600-foot block length and 600-foot street connectivity standards.
- 5) Allow a section of sidewalk along 12th Street SE adjacent to the natural area to be constructed along the curblin instead of the property line.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

PROCEDURAL FINDINGS

1. On July 14, 2021, a consolidated application for a Phased Subdivision Tentative Plan was filed for a proposal to divide an approximately 29.68 acres located at 4540 Pringle Road SE (Attachment A) into 138 single family lots in two phases of development.
2. On September 13, 2021, the applicant provided a response to staff's incomplete letter, including revised plans and written findings. The applicant indicated per ORS 227.178(2)(a) that all of the missing information has been provided and that the City is required to start the 120-day period for issuance of a final decision under ORS 227.178(1).
3. The application was deemed complete for processing on September 13, 2021. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on September 17, 2021, and public notice was posted on the subject property on September 17, 2021 pursuant to SRC 300.520(b)(2).

4. On October 25, 2021, the applicant provided updated application materials that include an adjustment to the phasing plan, inclusion of the existing homestead as a separate lot in the subdivision which increased the number of lots proposed from 138 to 139, an updated tree inventory, and additional written findings.
5. On October 27, 2021, the applicant granted a 30-day time extension, extending the state-mandated local decision deadline from January 11, 2022 to February 10, 2022.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide approximately 29.68 acres into 139 lots for residential development. The lots proposed for residential development range in size from approximately 4,000 square feet to approximately 3.64 acres. All lots take access directly from public streets, except for proposed lots 66 which will be served by a flag-lot accessway.

The applicant is requesting alternative street standards to increase the street spacing, connectivity, and development standards in SRC Chapter 803 to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.
- 4) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow the frontage along 12th Street SE between the northwest boundary and Drexler Drive SE, and the north boundary of the subject property between Mandy Avenue SE and Hilfiker Land SE to exceed the 600-foot block length and 600-foot street connectivity standards.
- 5) Allow a section of sidewalk along 12th Street SE adjacent to the natural area to be constructed along the curblin instead of the property line.

The proposal includes three open space areas in Phase 1, an open space area approximately 0.41 acres in size accessible by a proposed bike and pedestrian pathway near the center of the property, an open space area approximately 0.53 acres in size to be used primarily for stormwater detention at the northeast corner of the property and a small area approximately 2,319 square feet in size as a remainder due to street alignment for Hillrose Street SE and Hilfiker Land SE. In Phase 2, an open space area approximately 3.14 acres in size is proposed, the area will be used for stormwater detention, with the remaining area left as a natural area.

2. Existing Conditions

Site and Vicinity

The subject property (Attachment A) contains two separate lots with a combined size of approximately 29.68 acres, approximately 1,200 feet in width east to west, and which extends

approximately 1,050 feet in depth north to south. The subject property abuts existing single-family residential subdivisions to the north, east, and west. Hilfiker Park abuts the property to the southeast and a residential subdivision abuts the property to the southwest.

The subject property is sloped with the highest elevation approximately 395 feet near the southwest corner of the subject property then falling to approximately 330 feet near the unnamed mapped waterway at the northwest corner and approximately 320 feet near the northeast corner of the property.

The subject property does not contain any known archaeological sites; however, as the area is within a high probability archaeological zone, an Inadvertent Discovery Plan is required prior to any ground disturbing activity associated with development.

Condition 1: An Inadvertent Discovery Plan shall be filed with the City prior to any ground disturbing activity associated with development.

Salem Area Comprehensive Plan (SACP) Designation

Urban Growth Policies: The subject property is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

Comprehensive Plan Map: The subject property is designated “Single Family Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

- North: Single Family Residential
- South: West side, across Hilfiker Lane SE, Single Family Residential
East side, Single Family Residential
- East: Across Hillrose Street SE, Single Family Residential
- West: Across 12th Street SE, Single Family Residential

Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and RS (Single Family Residential) and currently contains a single-family dwelling and several outbuildings associated with the Meyer Farm Homestead. The surrounding properties are zoned and used as follows:

- North: RS (Single Family Residential); single family dwellings
- South: West side, across Hilfiker Lane SE, RS (Single Family Residential); single family dwellings
East side, RA (Residential Agriculture); Hilfiker Park and single-family dwelling
- East: Across Hillrose Street SE, RS (Single Family Residential); single family dwellings
- West: Across 12th Street SE, RS (Single Family Residential); single family dwellings

Relationship to Urban Service Area

The subject property is within the City's Urban Service Area.

Infrastructure

Water: The subject property is within the S-1 and S-2 water service levels.

A 12-inch water mains are located in Hilfiker Lane SE and Hillrose Street SE.

An 8-inch water main is located in Mandy Avenue SE.

A 6-inch and 80inch water main is located in 12th Street SE.

Sewer: An 8-inch sanitary sewer main is located in Hilfiker Lane SE.

An 8-inch sewer main is located in Hillrose Street SE.

A 6-inch sewer main is located in Mandy Avenue SE.

An 8-inch sewer main is located in 12th Street SE. The 8-inch main extends across the northwestern corner of the subject parcel, connecting to Albert Road SE to the north.

Storm Drainage: A 10-inch storm main is located in Hilfiker Lane SE.

A 10-inch storm main is located in Hillrose Street SE at the northeast corner of the subject parcel.

A 10-inch storm main is located in Mandy Avenue SE.

A 24-inch storm main is located in 12th Street SE.

Streets: Hilfiker Lane SE abuts the subject property along the southwest and is designated as a collector street in the Salem Transportation System Plan (TSP).

- o The standard for this street classification is a 40-foot-wide improvement within a 60-foot-wide right-of-way.
- o This street currently has an approximate 15-foot improvement within a 30-foot-wide right-of-way abutting a portion of the subject property.

Hillrose Street SE abuts the subject property along the eastern boundary and is designated as a local street in the Salem Transportation System Plan (TSP).

- o The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- o This street has an approximate 10-foot turnpike improvement within a 30-foot-wide right-of-way abutting the subject property.

Mandy Avenue SE abuts the subject property to the north and is designated as a local street in the Salem Transportation System Plan (TSP).

- o The standard for this street classification is a 30-foot improvement within a 60-foot-wide right-of-way.
- o This street has an approximate 30-foot improvement within a 60-foot right-of-way abutting the subject property.

12th Street SE abuts the subject property to the west and is designated as a local street in the Salem Transportation System Plan (TSP).

- o The standard for this street classification is a 30-foot improvement within a 60-foot-wide right-of-way.
- o This street has an approximate 20-foot improvement within a 30-foot right-of-way along the frontage abutting the subject property.

Parks: The proposed development is served by an undeveloped park (Hilfiker Park) abutting the southern boundary of the subject property.

3. Applicant's Plans and Statement

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement provided by the applicant summarizing the request and addressing the applicable approval criteria, as well as the tentative subdivision plan illustrating the proposed development on the property, are attached to this report as follows:

- Tentative Subdivision Plan: **Attachment B**
- Applicant's Written Statement: **Attachment C**

4. Summary of Record

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

5. Land Use History

- **Property Line Adjustment (Case No. LLA95-09):** A proposed to adjust the lot lines between two parcels identified as Tax Lots 3000 and 3200 resulting in lots approximately 24.58 acres and 5.16 acres in size. This property line adjustment was not finalized and has expired.

6. Public and Private Agency Review

Building and Safety Division – The Building and Safety Division has reviewed the proposal and indicated no concerns.

Fire Department – The Salem Fire Department has reviewed the proposal and indicated that the street grade on 12th Street SE is existing. Due to the difficulty for emergency vehicles to access 12th Street SE because of existing/proposed street grade, development of homes accessing the portion of 12th Street SE exceeding 12 percent grade will require fire sprinklers in the structures and the installation of a new fire hydrant along 12th Street near the subject property to fully comply with Fire Department access and fire prevention standards. The remaining development will require two separate and approved means of fire department access and fire hydrants will be required to be located within 600 feet of all structures as measured along an approved route. Any fire department access roads over 150 feet in length will require an approved turn around if the road is a dead end.

Condition 2: Dwellings constructed on proposed lots 82-87, which access portions of 12th Street SE that exceed 12 percent street grade, shall require installation of fire sprinklers in compliance with applicable Fire Department access and fire prevention standards.

Public Works Department – The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided comments included in full as **Attachment D**.

Salem-Keizer Public Schools – Planning and Property Services staff for the Salem-Keizer School District reviewed the proposal and submitted comments included in full as **Attachment E**.

7. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the Morningside Neighborhood Association (MNA).

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On June 23, 2021, the applicant contacted the MNA Chair and Land Use Chair informing them of the proposed project.

Homeowners Association

The subject property is not located within a Homeowners Association.

Neighborhood Association and Public Comment: Notice of the application was provided to MNA pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. Notice was provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property, posted notice was also provided on each street frontage during the comment period pursuant to SRC 300.520(b)(2). Morningside Neighborhood Association, adjacent South Gateway Neighborhood Association and 72 public comments (**Attachment F**) were provided prior to the comment period ending, which are summarized below followed by a staff response. The applicant has also provided a statement addressing public comments which is included as **Attachment G**.

- A. Tree Removal.** Several comments received express concern regarding the removal of trees, including significant Oregon White Oaks, which will be required to accommodate the proposed subdivision.

Staff Response: Tree preservation and removal in conjunction with proposed subdivisions is regulated under the City's tree preservation ordinance (SRC Chapter 808). As required under SRC Chapter 808, the applicant submitted a tree conservation plan in conjunction with the proposed subdivision that identifies a total of 808 trees on the property, 28 of which are significant trees (Oregon white oaks with a diameter at breast height of 24 inches or greater).

The tree conservation plan approval criteria require in part that no significant trees are designated for removal, no trees or native vegetation in a riparian corridor are designated for removal, and not less than 25 percent of all trees located on the property are designated for preservation. Of the 808 total existing trees on the property, the proposed tree conservation plan identifies 355 trees (43.9%) for preservation and 453 trees (56.1%) for removal. The proposal protects all trees and native vegetation in the riparian corridor located at the northwest corner of the subject property.

Of the 453 trees proposed for removal, four are significant oaks which the applicant has identified for removal based on their location within either the future building envelopes of lots or adjacent to required street and/or sidewalk improvements. Tree 2823 is proposed for removal due to grading for Lot 40, Tree 3213 is proposed for removal due to grading for Lot 60, Tree 3228 is proposed for removal due to grading for Lot 62, and Tree 3194 is proposed for removal due to grading for Hilfiker Lane SE. Their removal is necessary because of no reasonable design alternatives that would enable their preservation. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy is granted for the construction of dwelling units on the lots.

In addition to the trees located on the subject property, there are also several trees located within the existing right-of-way for 12th Street SE and Hillrose Street SE, including one

significant tree. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on private property. Trees located within the existing right-of-way of 12th Street SE and Hillrose Street SE are not located on the property; they are not subject to the provisions of SRC Chapter 808 and are not counted toward the total number of trees on the site. These trees are instead considered trees on City owned property and subject to the provisions of SRC Chapter 86. Based on the current under-improved width of 12th Street SE and Hillrose Street SE, the existing trees within the right-of-way, including one significant tree (tree 2579), will likely need to be removed to accommodate the required widening, sidewalk installation, and grading associated with required street improvements. Removal of street trees requires a permit pursuant to SRC 86.090.

B. Traffic Impact and Safety. Comments received expressed concern with traffic impacts related to the subdivision. Concerns were also expressed regarding the intersection of Hilfiker Street SE and Commercial Street SE, and the proposed intersection of Battle Creek Road SE and Hilfiker Street SE.

Staff Response: Addressing traffic safety, the applicant submitted a traffic impact analysis that demonstrated what improvements needed to be made to mitigate the traffic impacts from the proposed subdivision. All interior and abutting streets are being constructed to meet Public Works Design Standards, except where alternative street standards have been authorized.

The City of Salem has recognized the lack of east-west connectivity in this area. The Salem Transportation System Plan has long identified this extension of Hilfiker Lane as necessary to provide the missing east-west connectivity. The nearest east-west connections are Madrona Avenue SE and Kuebler Boulevard SE. The street was originally classified as a “minor arterial” street. The design of a “minor arterial” street has one travel lane in each direction with a center two-way-left-turn-lane, bike lanes, no on-street parking, and single-family residential driveways are not allowed. About 10 to 15 years ago, the neighborhood association requested that the City downgrade the street to a “collector” street. The design of a “collector” street is one lane in each direction, bike lanes, with provisions for on-street parking (collector B), and single-family residential driveways are allowed.

Per the City of Salem Street Design Standards, the design speed for a “minor arterial” is 45 MPH, meaning the curves would be very flat and would encourage faster traffic along this extension of Hilfiker Lane. The design speed for a “collector” street is 35 MPH, but the developer has requested a “design exception” to allow for a design speed of 25 MPH. At a design speed of 25 MPH the curves are considerably sharper than for a “minor arterial” and will encourage slower travel speeds. The addition of on-street parking and driveways along the roadway will also naturally slow traffic along this route.

The City of Salem will be rebuilding the intersection of Hilfiker Lane SE and Commercial Street SE. The intersection will have a new traffic signal with eastbound and westbound left turn lanes on Hilfiker Lane. This project is expected to be constructed in 2023-2024. The Traffic Impact Analysis accurately reflects the operational conditions of the improved intersection including the traffic generated from this site.

There will be additional traffic using this new connection between Commercial Street and Battle Creek Road but estimating that number of vehicles is impossible to predict. Those additional vehicles that will be traveling along the new extension of Hilfiker Lane, are existing traffic that is being diverted. These vehicles will alleviate congestion on Madrona Avenue SE, Kuebler Boulevard SE and will certainly reduce the number of vehicles that currently cut-through the residential neighborhood using Suntree Drive SE, Mandy Avenue SE, and Albert Drive SE.

This development is not responsible to mitigate existing traffic issues; they are required to mitigate the impacts from their development. The traffic counts used in the analysis is the best information available. Given the on-going COVID-19 Pandemic, traffic volumes have decreased. Kittelson & Associates used the best methodology to adjust traffic volumes upwards to account for Pandemic traffic. The traffic volumes were adjusted upwards on Battle Creek Road by 41% and by 24% on Commercial Street. They were additionally grown by 1.5% per year to reflect general background growth of traffic in Salem.

The improvements at the intersection with Battle Creek Road and Hilfiker Lane will be constructed to ensure there is adequate sight distance for the vehicles turning left from Battle Creek Road, as well as vehicle turning onto Battle Creek Road from Hilfiker Lane.

- C. Loss of Wildlife Habitat and Open Space.** Several comments received express concern regarding the loss of wildlife habitat and open space that will result from tree removal, grading, and development of the subject property.

Staff Response: The subject property is located within the Urban Growth Boundary and within Salem City Limits and has been designated on the City of Salem Comprehensive Plan Map as “Single Family Residential”, which anticipates existing or future residential development similar to the subdivision proposed with this application. Loss of wildlife habitat is not a criterion for granting or denying a phased subdivision tentative plan.

In regard to impacts on open space, the Salem Area Comprehensive Plan has adopted goals, policies, and plan map designations to protect identified open space areas. The subject property has not been identified as a natural open space area. Instead, the Comprehensive Plan Map designates the subject property as “Single Family Residential”, and the site has been zoned RS (Single Family Residential). While the subject property is mostly undeveloped with one home on approximately 29.68 acres, the subject property is surrounded by an already developed residential area within the corporate limits of the City of Salem and as the City continues to grow, development is expected to occur in areas designated for residential development.

- D. Parks.** Several comments received suggested that the property should remain as dedicated open space with walking trails, bike paths, and could be used as an extension of abutting Hilfiker Park.

Staff Response: The subject property is served by Hilfiker Park, which is an undeveloped park site located southeast of and abutting the subject property. Though many neighborhood comments express a desire for the subject property to be used as park land,

there is no regulatory authority to require that the applicant dedicate all or a portion of the subject property to the City for use as park land. Recent park acquisitions in the area include a community park in the Fairview Development District to the north and a neighborhood park near the intersection of Reed Road and Battle Creek Road.

- E. Impact on Neighborhood Character and Livability.** Several comments received expressed concern about the impact the proposed subdivision will have on adjacent properties and the character of the existing neighborhood due to loss of open space and development of a higher density development with smaller lots sizes than those in the surrounding area.

Staff Response: The single-family dwelling parcels proposed within the subdivision range from approximately 4,000 square feet to approximately 3.64 acres in size, which is consistent with the minimum lot size requirement of 4,000 square feet. Their size and layout are consistent with the expected development pattern of properties in the “Single Family Residential” Comprehensive Plan Map designation and RS (Single Family Residential) zone. There is no approval criterion or development standard which requires single family residential lots to resemble adjacent existing developments.

- F. Climate Action Plan.** Comments received express concern that the 139-lot subdivision, which proposes removal of significant trees and will create additional traffic in the area, is contrary to the City’s goals for reducing greenhouse gas emissions.

Staff Response: While the Salem Area Climate Action Plan will be used to guide policies aimed at achieving community-wide reductions in greenhouse gas emissions, and adoption of the plan may lead to future changes to the City’s Unified Development Code, this subdivision application has to be reviewed based on the development standards and tree protection standards that are currently adopted. The proposed single-family subdivision is an allowed use under the current zoning for the subject property, the proposed lots meet minimum lot size and dimensional standards, and the proposed tree removal is consistent with tree removal standards in SRC Chapter 808.

- G. Historic Significance of the Site.** Comments received express concern for development of the property given the historic significance of the site.

Staff Response: The subject property does not contain any known archaeological sites; however, the area is within a high probability archaeological zone, so an Inadvertent Discovery Plan would be required for any ground disturbing activity associated with development. The existing house is not designated as a Salem Historic Resource; therefore, SRC Chapter 230 does not apply to the proposed development. However, the house was built in 1915 and could be eligible for designation as a local historic resource.

- H. Support for Increased Residential Density.** Comments received indicate that the proposed subdivision does not go far enough to address housing affordability an accessibility and that multi-family residential development should be required for this property.

Staff Response: The subject property is currently zoned RA (Residential Agriculture) and will change to RS (Single Family Residential) upon recording of a final subdivision plat. The RA and RS zones do not permit multi-family residential uses. While the community needs more diverse housing options, including multi-family residential development, the City has to evaluate development requests as designed by the applicant for conformance with approval criteria and development standards. The City cannot require an applicant to develop a use that is not permitted under current zoning regulations. The City is required to allow middle housing (duplex, triplex, quadplex, townhouse and cottage cluster developments) in the RS zone with the passage of House Bill 2001. The City is expected to adopt regulations that comply with House Bill 2001 by the end of the year. The proposed lots are of sufficient size to each allow a duplex, at a minimum. The developer or future building has the option of building middle housing if they so choose.

- I. Impact of Stormwater Runoff.** Comments received express concern regarding potential stormwater, drainage and flooding impacts on adjacent properties.

Staff Response: As described in further detail in findings included under Section 9 of this decision regarding compliance with the standards set forth in SRC Chapter 71 (Stormwater), the proposed subdivision is required to meet flow control requirements which limit runoff to levels not exceeding pre-existing conditions. The applicant's engineer is required to demonstrate that there is no increase in stormwater runoff from the subject property based on a variety of storm frequencies up to a 100-year storm. All stormwater infrastructure, including flow control and treatment facilities, will be constructed pursuant to Public Works Design Standards.

- J. School Capacity.** Comments received express concern regarding the impact the proposal will have on school capacity.

Staff Response: Salem-Keizer Public Schools has reviewed the proposal and provided a memo dated September 29, 2021, included in the attachments, which outlines the anticipated impact of the proposed development on the school district. The City and the School District work closely together on development potential and impacts on school capacity. However, school capacity is not an approval criterion for a tentative subdivision and cannot be applied as such to this application.

8. Criteria for Granting a Subdivision Tentative Plan

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to approval of the final subdivision plat.

SRC 205.010(d) and 205.015(d) sets forth the criteria that must be met before approval can be granted for a phased subdivision tentative plan request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator’s decision is based. The requirements of SRC 205.010(d) and 205.015(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

SRC 205.010(d)(1): The tentative subdivision complies with all standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

SRC Chapter 510 (Residential Agriculture) and 511 (Single Family Residential): The proposed subdivision would divide the 29.68-acre property in two phases with a total of 139 lots and four open space areas. The subject property is currently split zoned RA (Residential Agriculture) and RS (Single Family Residential). SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. This provision applies to the RA zoned portion of the subject property. Because the zoning of the subject property will be changed to RS with the recording of the final plat for each respective phase, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the property being rezoned to RS (Single Family Residential). The development standards of the RS zone are established under SRC 511.010 and are addressed as follows:

Lot Standards for RS zone (SRC Chapter 511, Table 511-2)

Requirement	Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single family and two family)	Min. 70 feet, max. 300% of av. lot width
Lot Depth (Double frontage lots)	Min. 120 feet, max. 300% of av. lot width
Street Frontage	40 feet, or 30 feet applicable to lots fronting a cul-de-sac or curved street. Not applicable to flag lots.

Proposed lots in the subdivision range from approximately 4,000 square feet to 3.64 acres in size and are in compliance with applicable minimum lot area, dimension, and frontage standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the RS zone.

Setback Requirements: SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family Residential) zone:

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height);
or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

Setback requirements for future development will be reviewed at the time of application for building permits on individual lots.

SRC Chapter 800 (General Development Standards):

SRC 800.020 (Designation of Lot Lines): SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. Corner lots are lots located at the intersection of two or more streets, typically with street frontage on two sides. Provided that lot dimension standards are met, the front lot line for a corner lot shall be the property line abutting a street designated by the building permit applicant. The following proposed lots are corner lots; due to the proposed lot configuration and dimensions, the front lot lines shall be designated as conditioned below. Corner lots not identified in the table may be designated at the time of building permit by the applicant. The lot numbers indicated in the condition are based on the applicant's tentative plan, actual lot numbers may vary at the time of final plat.

Condition 3: The front property lines for corner lots shall be designated as follows:

Lot Number	Front Lot Designation
5	North line abutting Aldridge Ave
6	East line abutting Hillrose St
21	North line abutting Hilfiker Ln
25	North line abutting Hilfiker Ln
39	West line abutting Ramsay Rd
50	North line abutting Hilfiker Ln
69	South line abutting Hilfiker Ln
76	East line abutting Hilfiker Ln

81	North line abutting Drexler Dr
88	South line abutting Drexler Dr
90	South line abutting Drexler Dr
97	South line abutting Walton Wy
108	West line abutting Walton Wy
109	East line abutting Hilfiker Ln
119	North line abutting Walton Wy
121	South line abutting McCollum St
122	North line abutting McCollum St
126	East line abutting Hilfiker Ln
133	East line abutting Hilfiker Ln
134	West line abutting Porter Pl

Proposed lot 66 is a flag lot that takes access from a flag lot accessway. 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. The front lot line for Lot 66 may be designated by the building permit applicant.

Proposed lot 139, the 3.64-acre lot containing the existing homestead, is a double frontage lot. The front lot line for proposed lot 139 shall be the lot line abutting Hilfiker Lane SE.

The proposal conforms to the requirements of SRC Chapter 800.

Flag Lots:

SRC 800.025 establishes the following development standards for flag lot accessways serving residentially zoned lots:

Flag Lot Accessway Standards (Residential Zones)		
	1 to 2 Lots Served by Accessway	3 to 4 Lots Served by Accessway
Length	150 ft. Max.	400 ft. Max.
Width	Min. 20 ft.	25 ft. Min.
Paved Width	Min. 15 ft.	20 ft. Min.
Parking	Not Allowed	Not Allowed
Turnaround	Required for flag lot accessways greater than 150 feet in length. <i>(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)</i>	

Proposed lot 66 is a flag lot. As shown on the applicant’s tentative subdivision plan, the flag lot accessway is approximately 115 feet in length and located within a 20-foot wide

flagpole/easement, in conformance with the standards for flag lot accessways serving 1-2 lots.

In order to ensure the proposed flag lot accessway conforms to the requirements of SRC 800.025(d), the following condition of approval shall apply:

Condition 4: The flag lot accessway shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

SRC 800.025(e) provides that within a subdivision, up to 15 percent of the lots may be flag lots. The proposed phased subdivision tentative plan includes 139-lots with one lot (0.7 percent) proposed to be a flag lot, less than the 15 percent maximum.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

SRC Chapter 71 (Stormwater): The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards as adopted in Administrative Rule 109, Division 004. To demonstrate that the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative located of stormwater facilities.

As conditioned below, the proposal meets the requirements of SRC Chapter 71.

SRC Chapter 200 (Urban Growth Management): The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is located inside of the Urban Service Area and is served by adequate City utilities.

SRC Chapter 205 (Land Division and Reconfiguration): SRC 205.035(f) provides that where facilities and common property, including but not limited to, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, are included within the development, the recorded covenants, conditions, and restrictions for the development shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association.

The proposed subdivision includes four open space areas: 1) a 2,319 square foot open space area in Phase 1 at the southeast corner of Hilfiker Lane and Hillrose Street; 2) a 0.53 acre open space and stormwater detention area in Phase 1 north of the intersection of Hilfiker Lane and Hillrose Street; 3) a 0.41 acre open space area in Phase 1 accessible by a pedestrian walkway connecting between Hilfiker Lane SE and Ramsay Road SE; and 4) a 3.14 acre open space area in Phase 2 containing a mapped waterway, natural area, and stormwater detention area located at the northwest corner of the subject property. A private walkway will be provided from Hilfiker Lane SE to Hillrose Street SE. Where these common facilities will be privately owned, the applicant shall include provisions for operation and maintenance of these facilities in compliance with SRC 205.035(f).

Condition 5: Recorded covenants, conditions, and restrictions for the development shall be provided prior to final plat approval that shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association consistent with the requirements of SRC 205.035(f).

SRC Chapter 802 (Public Improvements): Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo (Attachment D).

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards. The Schematic Utility Plan included in the proposal as application shows that each lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS.

SRC Chapter 803 (Streets and Right-of-Way Improvements):

SRC 803.015 (Traffic Impact Analysis): The proposed 139-lot subdivision generates more than 1,000 average daily vehicle trips to the Collector street system. Therefore, a TIA was required as part of the proposed subdivision submittal. The applicant provided a TIA prepared by Kittelson and Associates dated July 9, 2021.

SRC 803.020 (Public and Private Streets): The applicant proposes for all internal streets within the subdivision to be public streets.

SRC 803.025 (Right-of-Way and Pavement Widths): Right-of-way width for streets shall conform to the standards set forth in Table 803-1.

Hillrose Street SE and 12th Street SE abut the subject property; both streets do not meet the current right-of-way or improvement width standards for a Local street. In implementing boundary street requirements pursuant to SRC 803.040, conditions of approval require the applicant to dedicate additional right-of-way for 12th Street SE and Hillrose Street SE. Hilfiker Lane SE abuts the property to the south. Additional right-of-way will be dedicated along the southern boundary and through the development site for Hilfiker Lane SE in

compliance with applicable right-of-way and improvement width standards for a Collector street.

Proposed internal local streets, Drexler Drive SE, Porter Place SE, McCollum Street SE, Mandy Avenue SE, Walton Way SE, Ramsay Road SE, and Aldrige Avenue SE comply with applicable standards for local street right-of-way and pavement width as specified in SRC 803.025.

SRC 803.030 (Street Spacing): The street spacing requirements specifies maximum block lengths of 600 feet along one axis, and between 120 feet minimum and 400 feet maximum along the other axis. Street spacing may be increased based on one or more of the conditions set forth in subsection (b).

The applicant is requesting alternative street standards for street spacing and connectivity as follows:

- 1) Along north boundary, approximately 730' between Mandy Avenue SE and Hilfiker Lane SE, exceeds 600 feet.

Existing homes along Roseway Court SE physically preclude streets meeting the spacing requirements meeting the street spacing and connectivity standards, with no physical location for an additional street connection to be made along the northern boundary, this alternative street standard request is consistent with 803.030(b)(2) and 803.035(a)(2).

- 2) Along Hilfiker Lane SE, approximately 980' between Chaparral Drive SE and Ramsay Road SE.

Topography and existing trees in this area make a street connection difficult, consistent with 803.030(b)(1) and 803.035(a)(1). Further, a street connection here would not provide much benefit to vehicles, however the applicant is proposing a mid-block bicycle and pedestrian pathway which provides an equal or better transportation alternative consistent with 803.030(b)(4).

- 3) Along Ramsay Road SE, approximately 680' between Hilfiker Lane SE and Aldridge Avenue SE.

Topography in this area make a street connection difficult, consistent with 803.030(b)(1) and 803.035(a)(1). Further, a street connection here would not provide much benefit to vehicles, however the applicant is proposing a mid-block bicycle and pedestrian pathway which provides an equal or better transportation alternative consistent with 803.030(b)(4).

- 4) Along Hillrose Street SE, approximately 810' between Hilfiker Lane SE and Aldridge Avenue SE.

Topography in this area make a street connection difficult, consistent with 803.030(b)(1) and 803.035(a)(1). Further, a street connection here would not provide much benefit to

vehicles, however the applicant is proposing a mid-block bicycle and pedestrian pathway which provides an equal or better transportation alternative consistent with 803.030(b)(4).

- 5) Along 12th Street SE, approximately 675' between northwest boundary and Drexler Drive SE.

The applicant is proposing to leave an open space area approximately 3.14 acres in size in the northwest corner along 12th Street SE. Due to topography, wetlands, and mapped waterway in this open space area, a street connection would be impractical, consistent with 803.030(b)(1) and 803.035(a)(1).

SRC 803.035 (Street Standards): All public and private streets are subject to the street standards in this section.

Finding: Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. With the exception of alternative street standards granted for connectivity identified above, the proposed subdivision provides for adequate street connectivity in compliance with 803.035(a).

The tentative subdivision plat shows property line sidewalks for all proposed internal local streets, except for two cul-de-sac bulb areas where the sidewalk shifts to curblines, which is consistent with SRC 803.035(l). Generally, sidewalks along the frontage of lots platted for single family residential development are installed at the time of home construction. This allows eventual building permit applicants for single family dwellings to select driveway alignment and apron placement along the lot frontage prior to installing sidewalks.

The applicant is requesting an alternative street standard for the sidewalk along 12th Street SE to allow a portion of the sidewalk to be constructed at the curblines instead of the property line. The Public Works Department memorandum indicates that the change in sidewalk location is warranted along the portion of 12th Street SE abutting the natural area due to topographic constraints to limit the need for steep side slopes or retaining walls and to limit the impact to existing trees and the riparian area consistent with SRC 803.035(l)(2)(B).

The applicant is proposing an alternative street standard to increase the street grade for 12th Street SE from a maximum of 12% for a Local street to 17.9%, and for Hilfiker Street SE from a maximum of 8% for a Collector street to 9.3%. Pursuant to SRC 803.065(a)(3), the Director may authorize the use of one or more alternate street standards where topography or other conditions make the construction that conforms to the standards impossible or undesirable. The alternative street standards requested are due to existing topography, trees, improvements, and other constraints on the subject property that would make compliance with the standard impossible or undesirable, meeting the criteria for approval of an alternative street standard.

A 10-foot-wide public utility easement is required along street frontages pursuant to SRC 803.035(n). As shown on the Wildridge subdivision plat, a one-foot-wide reserve strip is

located along the north line of Hilfiker Lane SE. As shown on the Georgetown subdivision plat, a one-foot-wide reserve strip is located along the southerly terminus of Mandy Avenue SE. As shown on the Dickson's Addition subdivision plat, a one-foot-wide reserve strip is located along the east line of 12th Avenue SE. As shown on the R.M. Tone Subdivision plat, a one-foot-reserve strip is located along the west line of Hillrose Avenue. The applicant shall coordinate with the City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.

Condition 6: Provide a 10-foot public utility easement along the street frontage of all internal streets.

Condition 7: Coordinate with the City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.

SRC 803.040 (Boundary Streets): Hilfiker Lane SE, 12th Street SE, and Hillrose Street SE are boundary streets, running along the southern, western, and eastern frontage of the subject property.

Hilfiker Lane SE does not meet the current standard for a Collector street, and 12th Street SE and Hillrose Street SE do not meet the current right-of-way or improvement standard for a Local street. In implementing boundary street requirements pursuant to SRC 803.040, the applicant is required to dedicate additional right-of-way, provide sidewalk, and other street improvements along all boundary streets.

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

SRC Chapter 601 (Floodplain Overlay Zone): The Public Works Department has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for single-family or two-family uses where trees are proposed for removal. A Tree Conservation Plan was submitted in conjunction with the subdivision tentative plan identifying a total of 808 trees on the subject property, with 355 trees proposed for preservation, or 43.9 percent of the total trees on-site, and is proposing the removal of 453 trees, or 56.1 percent of the trees on-site. The proposal protects all trees and native vegetation in the riparian corridor located at the northwest corner of the subject property.

Of the 453 trees proposed for removal, four are significant oaks which the applicant has identified for removal based on their location within either the future building envelopes of lots or adjacent to required street and/or sidewalk improvements. Tree 2823 is proposed for removal due to grading for Lot 40, Tree 3213 is proposed for removal due to grading for Lot 60, Tree 3228 is proposed for removal due to grading for Lot 62, and Tree 3194 is proposed for removal due to grading for Hilfiker Lane SE. Their removal is necessary because of no reasonable design alternatives that would enable their preservation.

In addition to the trees located on the subject property, there are also trees located within the existing right-of-way along 12th Street SE and Hillrose Street SE. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on the property. Because there are trees located within the existing right-of-way's which are not located on the property, they are not subject to the provisions of SRC Chapter 808 and are not counted toward the total number of trees on the site. These trees are instead considered trees on City owned property and subject to the provisions of SRC Chapter 86. To ensure that the street trees are reviewed under SRC 86, the following condition applies:

Condition 8: Trees proposed for removal that are located within the right-of-way of abutting streets shall follow the procedures of SRC Chapter 86.

The proposal is consistent with the criteria for approval of a tree conservation plan in SRC 808.035(d).

SRC Chapter 809 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The Salem-Keizer Local Wetland Inventory (LWI) shows that there are wetland channels and/or hydric soils mapped on the property. Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. The response from DSL indicates that they are currently reviewing a wetland delineation (WD2021-0342) for the project site. The applicant should contact DSL to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s).

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are 2 and 3-point mapped landslide hazard areas on the subject property. The proposed single-family residential subdivision adds 3 activity points to the proposal, which results in a total of 5 to 6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report.

A preliminary geotechnical report, prepared by Geo Consultants Northwest and dated April 13, 2021, was submitted with the subdivision application. This report demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties if constructed based on recommendations included in the report. The engineer shall provide a technical report prior to construction pursuant to SRC Chapter 82 (Clearing and Grading).

Final Plat:

The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

Finding: The lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the RS (Single Family Residential) zone SRC Chapter 511. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties.

As conditioned, the proposal meets this criterion.

SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.

Finding: Water, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

Condition 9: Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

The subject property is located within the S-1 and S-2 water service levels. Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by Public Works Design Standards (PWDS).

Condition 10: Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Condition 11: Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition 12: All necessary (existing and proposed) access and utility easements must be shown on the final plat.

As conditioned above, the proposal meets this criterion.

SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Finding: Hilfiker Lane SE is a future collector street designated in the Salem Transportation System Plan to be extended through the subject property. Based on topographic constraints, the maximum street grade for Hilfiker Lane shall be 10 percent. Pursuant to the applicant's Traffic Impact Analysis, Hilfiker Lane SE at the intersection of Pringle Road and Battle Creek Road SE shall include an eastbound to northbound left turn lane and an eastbound to southbound right turn lane, and the applicant shall construct a left turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.

Proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803 based on topographic constraints. A pedestrian access easement as shown on the application materials shall be provided between Hilfiker Lane SE and Ramsay Road SE to mitigate the long block lengths, to be constructed at the time of Phase 1.

The subject property abuts 12th Street SE, Hillrose Avenue SE, and Hilfiker Lane SE. Pursuant to SRC 803.040, the applicant is required to convey land for dedication of a 30-foot half-width right-of-way and to construct a half-street improvement along the entire frontage of all abutting streets. The street grade along 12th Street SE may exceed the standard of 12 percent because the existing grade of 12th Street SE exceeds 12 percent. The sidewalk along 12th Street may be located on the curb line because of topographic constraints to limit the need for steep side slopes or retaining walls. The applicant shall construct a three-quarter-street improvement along the frontage of Hillrose Street SE to Local street standards.

To accommodate future access to abutting properties along Hilfiker Lane SE, the applicant shall provide a 30-foot-wide public access easement along the south line of the subject property from Chaparral to the west line of tax lot 083W11BC03200. In order to preserve existing trees, no pedestrian improvements are appropriate at this time to serve future development. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.

The following conditions apply to Phase 1 of the subdivision.

- Condition 13:** Construct Hilfiker Lane SE from the intersection with 12th Street SE to the intersection of Pringle Road SE and Battle Creek Road SE to Collector B Street standards and in compliance with PWDS. Hilfiker Lane SE at the intersection of Pringle Road SE and Battle Creek Road SE shall include an eastbound to northbound left turn lane and an eastbound to southbound right turn lane. The maximum street grade for Hilfiker Lane shall be 10 percent.
- Condition 14:** Construct a left turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.
- Condition 15:** Construct internal streets to Local street standards, with the following exceptions: proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803 as shown on the application materials.
- Condition 16:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hillrose Street SE. Construct a three-quarter-street improvement along the frontage of Hillrose Street SE to Local street standards.
- Condition 17:** From Chaparral to the west line of tax lot 083W11BC03200, provide a 30-foot-wide public access easement along the south line of the subject property. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.

Condition 18: Provide a minimum 15-foot-wide pedestrian access easement and construct a minimum 10-foot-wide pedestrian walkway pursuant to PWDS between Hilfiker Lane and Ramsay Road and through the proposed open space.

The following conditions apply to Phase 2 of the subdivision.

Condition 19: Construct internal streets to Local street standards.

Condition 20: Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of 12th Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Construct a half-street improvement along the frontage of 12th Street SE to local street standards except as follows:

- a. The street grade may exceed the standard of 12 percent by matching the existing grade of 12th Street SE.
- b. The sidewalk may be located along the curb line abutting the open space area.

As proposed and conditioned, the subdivision conforms to the TSP. The proposal meets this criterion.

SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding: Conditions above implement required improvements to the street system in and adjacent to the subject property. The proposed network of boundary and internal streets serving the subdivision provides for direct access to all lots within the subdivision. The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subject property will conform to the Salem Transportation System Plan, and provide for safe, orderly, and efficient circulation of traffic into, through and out of the subdivision.

The proposal meets this criterion.

SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Finding: The subject property is served by Hilfiker Park, which is an undeveloped park site located southeast of and abutting the subject property. To provide additional access to the

park from Hilfiker Street SE, the applicant shall provide a 30-foot-wide public access easement along the south line of the subject property from Chaparral to the west line of tax lot 083W11BC03200. This easement may be used in the future for access to Hilfiker Park unless the future phase of the subject property is developed prior to the park development.

Construction of Hilfiker Lane through the subject property provides a needed east-west connection in the area, connecting the neighborhoods abutting Battle Creek Road and Pringle Road to Commercial Street SE. Bicycle and pedestrian access will be provided from within the subdivision to shopping areas and transit stops along Commercial Street SE and along Battle Creek Road and Pringle Road.

The proposal meets this criterion.

SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

Finding: The proposed 139-lot subdivision generates more than 1,000 average daily vehicle trips to a Collector street system. Therefore, a Traffic Impact Analysis was required as part of the proposed subdivision submittal. The applicant provided a TIA dated July 9, 2021 and prepared by Kittelson and Associates that included the following traffic recommendations to mitigate impact to the transportation system:

- Construct a left-turn lane on Battle Creek Road SE with at least 50 feet of storage at the intersection of Pringle/Hilfiker/Hillrose. The left-turn lane shall include tapers and meet PWDS and sight-distance.
- Hilfiker Lane SE at the intersection of Pringle Road and Battle Creek Road SE shall include an eastbound to northbound left turn lane and an eastbound to southbound right turn lane

The proposal meets this criterion.

SRC 205.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The configuration of lots on the subject property makes logical use of developable land. As described in findings, the lot configuration proposed by the applicant meet applicable development standards minimizing the need for any variances. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC.

Proposed lot 139 (3.64-acre lot labelled as “Area to Remain”) is large enough that it could be further divided or developed in the future. The applicant has provided a shadow plan demonstrating that future further division of the lot may readily be made without violating the development standards of the UDC. A complete review for conformance with applicable standards of the UDC will occur at the time a future land use application is submitted.

The proposal meets this criterion.

SRC 205.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Finding: The tentative subdivision plan configures lots and streets to allow for residential development of the site while minimizing disruptions to topography and vegetation. The City’s tree preservation standards require that a minimum of 25 percent of existing trees with a diameter at breast height (dbh) of 10 inches or more, the applicant is proposing to retain 355 of the 808 existing trees on site, approximately 43.9 percent of the total trees. No riparian trees or vegetation are proposed for removal on the subject property. Four of the 28 significant trees on the subject property have been identified for removal based on their location within either the future building envelopes of lots or adjacent to required street and/or sidewalk improvements. Tree 2823 is proposed for removal due to grading for Lot 40, Tree 3213 is proposed for removal due to grading for Lot 60, Tree 3228 is proposed for removal due to grading for Lot 62, and Tree 3194 is proposed for removal due to grading for Hilfiker Lane SE. Their removal is necessary because of no reasonable design alternatives that would enable their preservation. The proposal meets this criterion.

SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Finding: The subject property is located inside of the Urban Service Area. Compliance with the City’s growth management plan and availability of infrastructure is addressed in this report, an Urban Growth Preliminary Declaration under SRC Chapter 200 is not required. This criterion has been met.

SRC 205.015(d)(1): The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).

Finding: The tentative subdivision plan approval criteria set forth in SRC 205.010(d) has been addressed above.

SRC 205.015(d)(2): Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

Finding: Phase 1 includes dedication and construction of Hilfiker Lane, Ramsay Road, Aldridge Avenue, and boundary improvements to Hillrose Avenue. This phasing plan allows for connection to Battle Creek Road with the first phase and provides access for heavy construction equipment from Battle Creek during construction of Phase 1. Phase 2 includes boundary improvements to 12th Street, and dedication and construction of Drexler Drive, Porter Place, McCollum Street, and Mandy Avenue, and Walton Way. Public improvements can be constructed efficiently among all phases.

SRC 205.015(d)(3): Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

Finding: Public improvements serving each phase area substantially and functionally self-contained within each phase.

SRC 205.015(d)(4): Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

Finding: The subject property is located within the S-1 and S-2 water service levels. Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS. The phasing plan allows for S-1 and S-2 water service to be taken from the appropriate service levels. All other infrastructure supports the phased subdivision as a whole.

8. Conclusion

Based upon review of SRC Chapter 205, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

ORDER

Phased Subdivision Tentative Plan Case No. SUB21-09 is hereby **APPROVED** subject to SRC Chapter 205, the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** An Inadvertent Discovery Plan shall be filed with the City prior to any ground disturbing activity associated with development.
- Condition 2:** Lots accessing 12th Street SE shall comply with all applicable Fire Department access and fire prevention standards. Dwellings constructed on proposed lots 82-87 shall require installation of fire sprinklers.
- Condition 3:** The front property lines for corner lots shall be designated as follows:

Lot Number	Front Lot Designation
5	North line abutting Aldridge Ave
6	East line abutting Hillrose St
21	North line abutting Hilfiker Ln
25	North line abutting Hilfiker Ln
39	West line abutting Ramsay Rd
50	North line abutting Hilfiker Ln
69	South line abutting Hilfiker Ln
76	East line abutting Hilfiker Ln
81	North line abutting Drexler Dr
88	South line abutting Drexler Dr
90	South line abutting Drexler Dr
97	South line abutting Walton Wy
108	West line abutting Walton Wy
109	East line abutting Hilfiker Ln
119	North line abutting Walton Wy
121	South line abutting McCollum St
122	North line abutting McCollum St
126	East line abutting Hilfiker Ln
133	East line abutting Hilfiker Ln
134	West line abutting Porter Pl

- Condition 4:** The flag lot accessway shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- Condition 5:** Recorded covenants, conditions, and restrictions for the development shall be provided prior to final plat approval that shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association consistent with the requirements of SRC 205.035(f).
- Condition 6:** Provide a 10-foot public utility easement along the street frontage of all internal streets.
- Condition 7:** Coordinate with the City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.
- Condition 8:** Trees proposed for removal that are located within the right-of-way of abutting streets shall follow the procedures of SRC Chapter 86.
- Condition 9:** Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

- Condition 10:** Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS.
- Condition 11:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots.
- Condition 12:** All necessary (existing and proposed) access and utility easements must be shown on the final plat.
- Condition 13:** Construct Hilfiker Lane SE from the intersection with 12th Street SE to the intersection of Pringle Road SE and Battle Creek Road SE to Collector B Street standards and in compliance with PWDS. Hilfiker Lane SE at the intersection of Pringle Road SE and Battle Creek Road SE shall include an eastbound to northbound left turn lane and an eastbound to southbound right turn lane. The maximum street grade for Hilfiker Lane shall be 10 percent.
- Condition 14:** Construct a left turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.
- Condition 15:** Construct internal streets to Local street standards, with the following exceptions: proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803 as shown on the application materials.
- Condition 16:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hillrose Street SE. Construct a three-quarter-street improvement along the frontage of Hillrose Street SE to Local street standards.
- Condition 17:** From Chaparral to the west line of tax lot 083W11BC03200, provide a 30-foot-wide public access easement along the south line of the subject property. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.
- Condition 18:** Provide a minimum 15-foot-wide pedestrian access easement and construct a minimum 10-foot-wide pedestrian walkway pursuant to PWDS between Hilfiker Lane and Ramsay Road and through the proposed open space.
- Condition 19:** Construct internal streets to Local street standards.
- Condition 20:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of 12th Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Construct a half-street improvement along the frontage of 12th Street SE to local street standards except as follows:

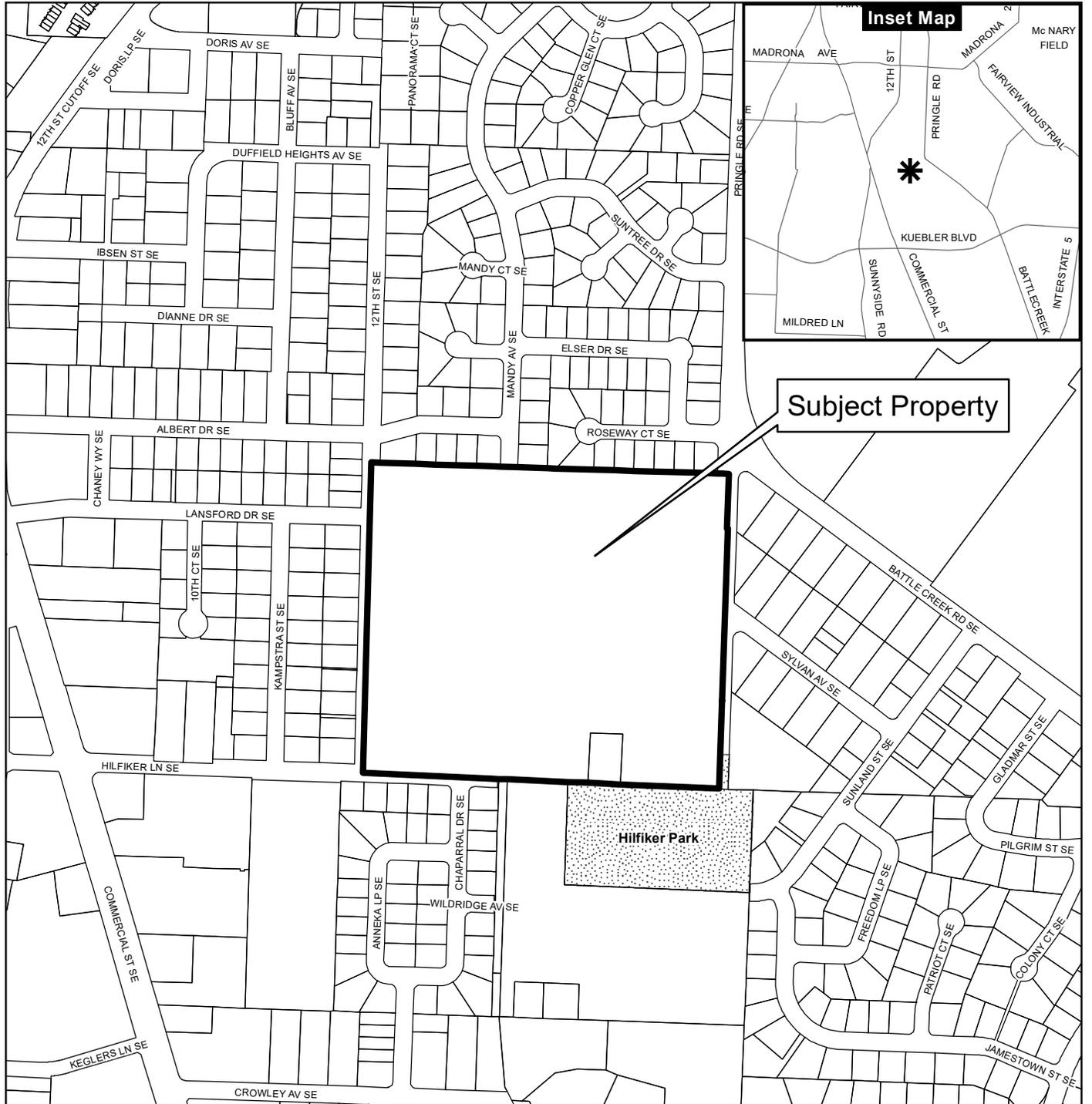
- a. The street grade may exceed the standard of 12 percent by matching the existing grade of 12th Street SE.
- b. The sidewalk may be located along the curb line abutting the open space area.



Aaron Panko, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments:
- A. Vicinity Map
 - B. Tentative Subdivision Plan
 - C. Applicant's Written Statement
 - D. City of Salem Public Works Department Memo
 - E. Salem-Keizer Public Schools Comments Dated September 29, 2021
 - F. Neighborhood Association and Public Comments
 - G. Applicant's Response to Public Comments

Vicinity Map 4540 Pringle Road SE



Subject Property

Hilfiker Park

Legend

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



0 100 200 400 Feet



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MEYER FARM

ATTACHMENT B

138-LOT SUBDIVISION - TENTATIVE SUBDIVISION IMPROVEMENT PLANS SW1/4 NW1/4 SECTION 11, T. 8S, R. 3W, W.M. CITY OF SALEM, OREGON

4540 PRINGLE RD SE
TAX MAP - 3000 & 3002
TAX MAP - 083W11BC
SW1/4 NW1/4 SEC11 T8S R3W W.M.
SALEM, OREGON

COVER SHEET AND INDEX
OF DRAWINGS

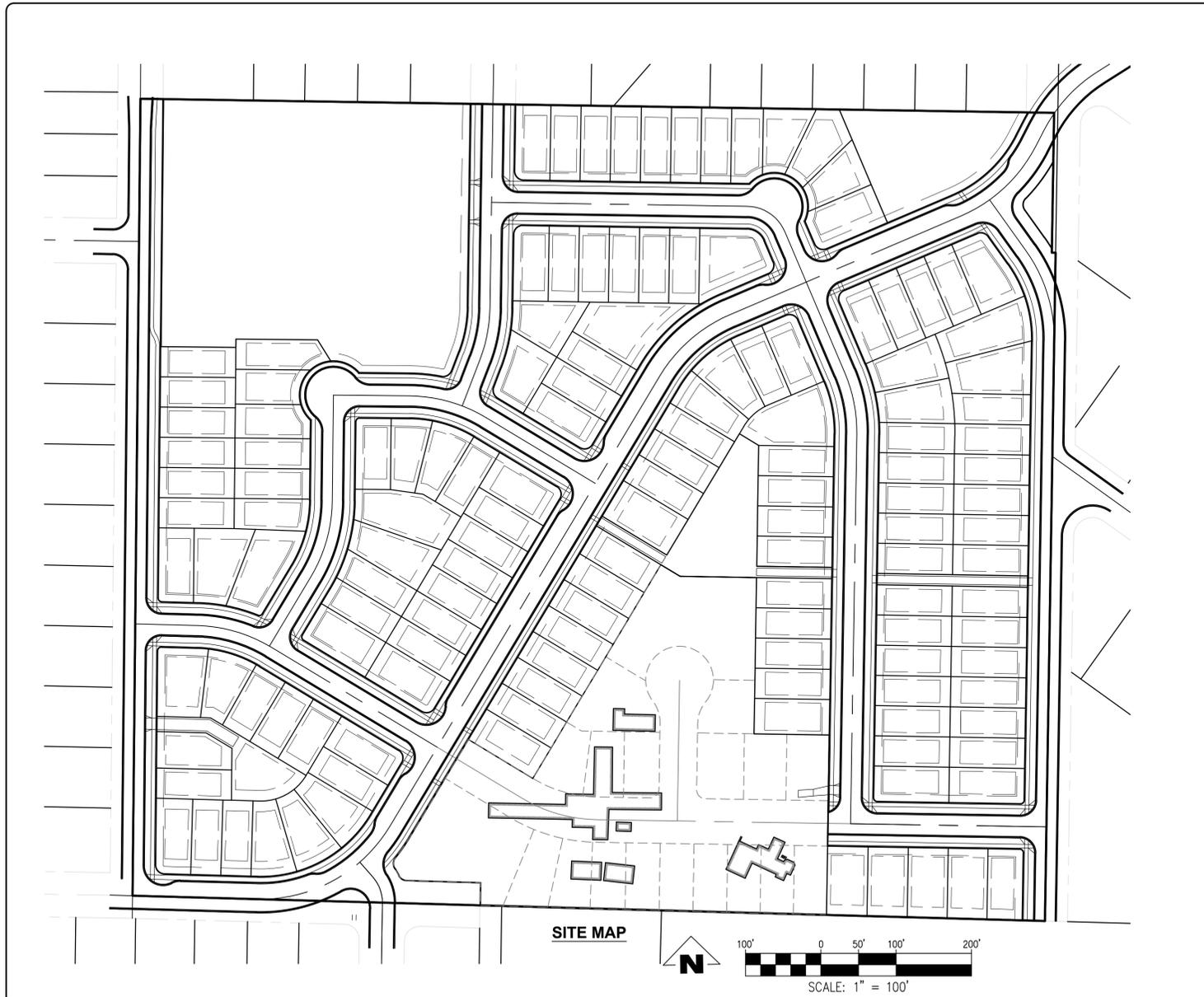
NO. DATE DESCRIPTION

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EUGENE, OREGON 97401
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www.emeriodesign.com



SHEET
P1.0
OF
32

FILE: P:\0742-003_Meyer Farm\dwg\plan\0742-003_P10cover_Layout: P1.0 - COVER SHEET, Plot Date: 10/21/2021 10:58 AM, by: tom.feltis



LEGEND			
—	BOUNDARY LINE	—SS—	EXISTING SANITARY SEWER LINE
- - -	EASEMENT	—W—	EXISTING WATER LINE
-+ -	EXISTING 1' CONTOUR LINE	—	EXISTING OVERHEAD POWER LINE
-+5-	EXISTING 5' CONTOUR LINE	—	EXISTING GAS LINE
—	EXISTING CROWN (CENTER LINE OF ROAD)	—	EXISTING DITCH LINE
☀	EXISTING TREE	—	EXISTING WETLAND LINE
⊕	EXISTING STORM DRAIN MANHOLE	—	EXISTING HEDGE LINE
⊕	EXISTING SANITARY SEWER MANHOLE	—	EXISTING WOODEN FENCE
⊕	EXISTING CATCH BASIN	—	EXISTING RAIL FENCE
⊕	EXISTING WATER METER	—X—	EXISTING CHAIN LINK FENCE
⊕	EXISTING WATER VALVE	—	PROPOSED STORM LINE
⊕	EXISTING FIRE HYDRANT	—	PROPOSED SANITARY LINE
⊕	EXISTING MAIL BOX	—	PROPOSED WATERLINE
⊕	EXISTING UTILITY POLE	—	PROPOSED STORM LATERAL
⊕	EXISTING GUY WIRE	—	PROPOSED SANITARY LATERAL
⊕	EXISTING LIGHT	—	PROPOSED SINGLE WATER METER
⊕	EXISTING COMMUNICATION PEDESTAL	⊕	PROPOSED STORM MANHOLE
⊕	EXISTING ELECTRICAL METER	⊕	PROPOSED CATCH BASIN/AREA DRAIN
⊕	EXISTING JUNCTION BOX	⊕	PROPOSED SANITARY MANHOLE
⊕	EXISTING BOLLARD	⊕	PROPOSED BLOWOFF
⊕	EXISTING DOWNSPOUT	⊕	PROPOSED WATER VALVE
⊕	EXISTING WETLAND FLAG	—104—	PROPOSED 1' CONTOUR LINE
⊕	EXISTING STORM LINE	—105—	PROPOSED 5' CONTOUR LINE
		—X—	PROPOSED SEDIMENT FENCE

DRAWING INDEX

Sheet Number	Sheet Title
P1.0	COVER SHEET AND INDEX OF DRAWINGS
P2.0	EXISTING CONDITIONS PLAN
P3.0	TREE PRESERVATION AND REMOVAL PLAN OVERVIEW
P3.1	TREE PRESERVATION AND REMOVAL PLAN - NORTHWEST
P3.2	TREE PRESERVATION AND REMOVAL PLAN - NORTHEAST
P3.3	TREE PRESERVATION AND REMOVAL PLAN - SOUTHWEST
P3.4	TREE PRESERVATION AND REMOVAL PLAN - SOUTHEAST
P3.5	TREE PRESERVATION AND REMOVAL PLAN - CITY TREES
P4.0	TENTATIVE PLAT - PHASE 1
P4.1	TENTATIVE PLAT - PHASE 2
P5.0	TENTATIVE SITE PLAN
P5.1	TYPICAL STREET SECTIONS
P6.0	TENTATIVE COMPOSITE UTILITY PLAN
P7.0	TENTATIVE GRADING PLAN
P7.1	TENTATIVE EROSION AND SEDIMENT CONTROL PLAN
P8.0	HILFIKER LANE SE STA 1+00 TO 6+00 - PLAN AND PROFILE
P8.1	HILFIKER LANE SE STA 6+00 TO 13+00 - PLAN AND PROFILE
P8.2	HILFIKER LANE SE STA 13+00 TO 20+50 - PLAN AND PROFILE
P9.0	12TH STREET SE STA 1+00 TO 6+50 - PLAN AND PROFILE
P9.1	12TH STREET SE STA 6+50 TO 13+00 - PLAN AND PROFILE
P10.0	HILLROSE STREET SE STA 1+00 TO 7+00 - PLAN AND PROFILE
P10.1	HILLROSE STREET SE STA 7+00 TO 12+00 - PLAN AND PROFILE
P11.0	MANDY AVENUE SE - PLAN AND PROFILE
P12.0	PORTER PLACE - PLAN AND PROFILE
P13.0	RAMSAY ROAD STA 1+00 TO 6+00 - PLAN AND PROFILE
P13.1	RAMSAY ROAD STA 7+00 TO 10+50 - PLAN AND PROFILE
P14.0	WALTON WAY - PLAN AND PROFILE
P15.0	MCCOLLUM STREET - PLAN AND PROFILE
P16.0	DREXLER DRIVE - PLAN AND PROFILE
P17.0	ALDRIDGE AVENUE AND SYLVAN AVENUE SE - PLAN AND PROFILE
P18.0	CHAPARRAL DRIVE SE AND LANSFORD DRIVE SE - PLAN AND PROFILE
P19.0	TENTATIVE SLOPE ANALYSIS PLAN

ENGINEER'S NOTE TO CONTRACTOR

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

BENCHMARK INFORMATION

VERTICAL BENCHMARK IS BASED ON NAVD (GEOID 2012A) BASED ON (RTK) CORRECTIONS FROM THE OREGON STATE REFERENCE NETWORK.
DATUM = NAVD 88

NOTICE TO EXCAVATORS:
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER.
(NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS
Dig Safely.
Call the Oregon One-Call Center
DIAL 811 or 1-800-332-2344

PROJECT CONTACTS

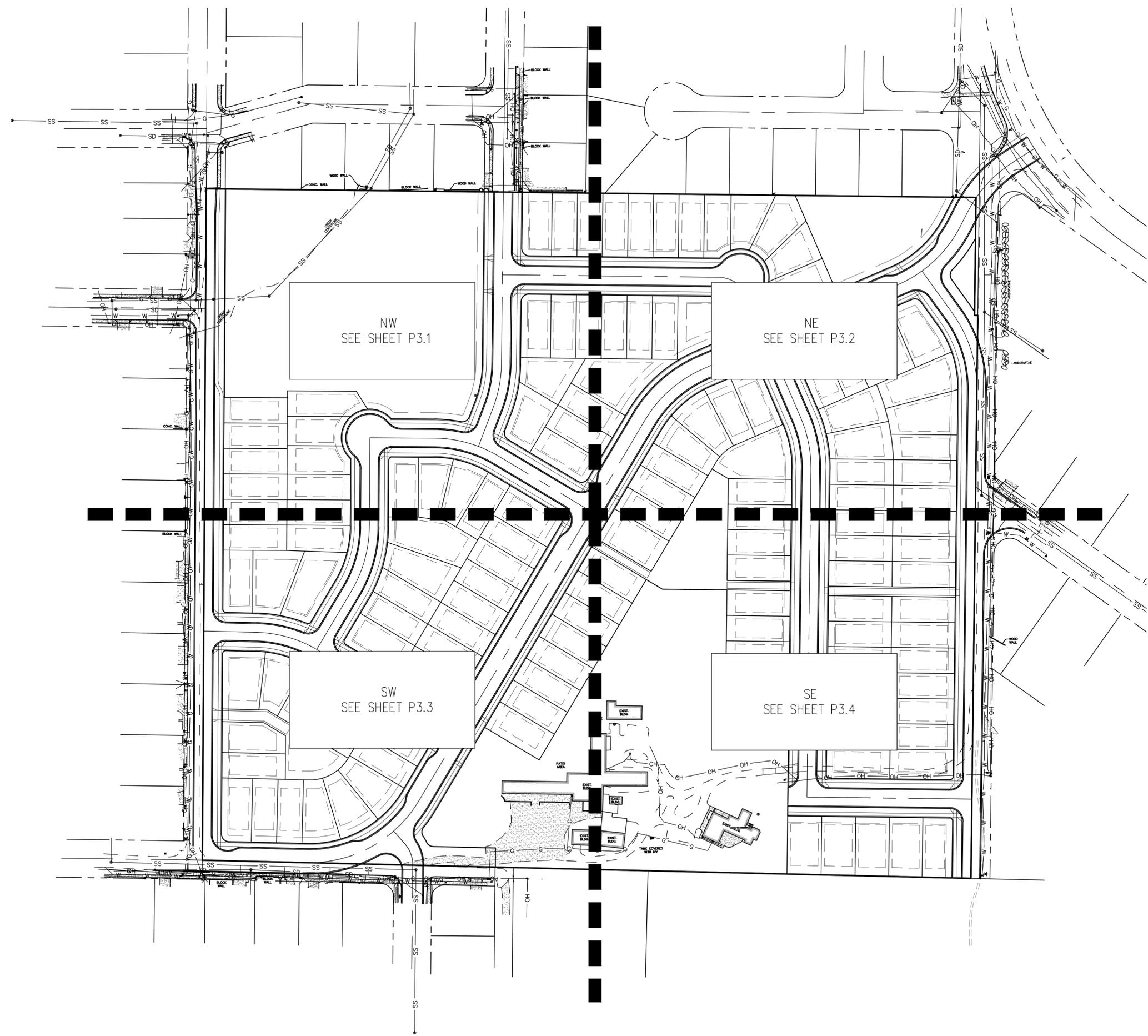
OWNER:
HENRY A. MEYER REVOCABLE LIVING TRUST
4540 PRINGLE ROAD SE
SALEM, OR 97403

SURVEYOR:
EMERIO DESIGN, LLC
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OR 97008
CONTACT: DAN ADSIT, PLS
(503) 746-8812 (P)

GEOTECHNICAL ENGINEER:
GEO CONSULTANTS NW
2839 SE MILWAUKIE AVENUE
PORTLAND, OR 97202
RANDALL GOODE
(503) 616-9425 (P)

CIVIL ENGINEER:
EMERIO DESIGN, LLC
2677 WILLAKENZIE ROAD, SUITE 1A
EUGENE, OR 97401
CONTACT: ROY W. HANKINS, P.E.
(503) 746-8812 (P)
(503) 639-9592 (F)

SITE DATA	
SITE AREA:	25.63 ACRES
CURRENT ZONING:	RS/RA
TAX MAP:	083W11BC
TAX LOTS:	3000 & 3002
NO OF LOTS:	138



- TREE PROTECTION SPECIFICATIONS**
- PRECONSTRUCTION CONFERENCE. PRIOR TO THE START OF CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL COORDINATE WITH THE PROJECT ARBORIST IN A TIMELY MANNER TO REVIEW THE TREE PROTECTION PLAN, VERIFY THAT TREES TO BE RETAINED ARE IDENTIFIED WITH NUMBERED TAGS ON THE GROUND, AND TO INSPECT AND VERIFY THE INSTALLATION OF TREE PROTECTION MEASURES.
 - FENCING. TREES TO REMAIN ON SITE SHALL BE PROTECTED BY INSTALLATION OF TREE PROTECTION FENCING AS DEPICTED ON SITE PLANS IN ORDER TO PREVENT INJURY TO TREE TRUNKS OR ROOTS, OR SOIL COMPACTION WITHIN THE ROOT PROTECTION AREA. FENCES SHALL BE A MINIMUM 6-FOOT HIGH 2-INCH CHAIN LINK MESH, SECURED TO METAL POSTS DRIVEN INTO THE GROUND. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE PROJECT ARBORIST PRIOR TO OPENING, ADJUSTING OR REMOVING TREE PROTECTION FENCING.
 - TREE PROTECTION ZONE. WITHOUT AUTHORIZATION FROM THE PROJECT ARBORIST, NONE OF THE FOLLOWING SHALL OCCUR BENEATH THE DRIPLINE OF ANY PROTECTED TREE:
 - GRADE CHANGE OR CUT AND FILL;
 - NEW IMPERVIOUS SURFACES;
 - UTILITY OR DRAINAGE FIELD PLACEMENT;
 - STAGING OR STORAGE OF MATERIALS AND EQUIPMENT; OR
 - VEHICLE MANEUVERING.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE PROJECT ARBORIST IN A TIMELY MANNER PRIOR TO WORKING BENEATH PROTECTED TREE DRIPLINES. ROOT PROTECTION ZONES MAY BE ENTERED FOR TASKS LIKE SURVEYING, MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.
 - TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND #6655, IN THE REAR OF LOT 3 FOR REMOVAL OF TREE #6248 AND #6375, IN THE REAR OF LOT 9 FOR REMOVAL OF TREE #50316 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.
 - PRUNING. PRUNING MAY BE NEEDED TO PROVIDE OVERHEAD CLEARANCE AND TO REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR REMOVAL HAVE BEEN REMOVED AND THE SITE IS PREPARED FOR CONSTRUCTION. TREE REMOVAL AND PRUNING SHALL BE PERFORMED BY A QUALIFIED TREE SERVICE.
 - EXCAVATION AND ROOT PRUNING. EXCAVATION BENEATH PROTECTED TREE DRIPLINES SHALL BE AVOIDED IF ALTERNATIVES ARE AVAILABLE. IF EXCAVATION IS UNAVOIDABLE, THE PROJECT ARBORIST SHALL EVALUATE THE PROPOSED EXCAVATION TO DETERMINE METHODS TO MINIMIZE IMPACTS TO TREES. ROOT PRUNING SHALL BE DIRECTED AND DOCUMENTED BY THE PROJECT ARBORIST.
 - LANDSCAPING. FOLLOWING CONSTRUCTION AND WHERE LANDSCAPING IS DESIRED, APPLY APPROXIMATELY 3-INCHES OF MULCH BENEATH THE DRIPLINE OF PROTECTED TREES IN A MINIMUM 5-FOOT RADIUS AROUND TREE TRUNKS; DO NOT PILE MULCH DIRECTLY AGAINST TREE TRUNKS. SHRUBS AND GROUND COVER PLANTS MAY BE PLANTED WITHIN THE GRASS-FREE MULCH RINGS. IF IRRIGATION IS USED, USE DRIP IRRIGATION OR LOW FLOW EMITTERS INSTALLED AT NATIVE GRADE (NO TRENCHING) ONLY BENEATH THE DRIPLINES OF PROTECTED TREES. LANDSCAPING SHALL BE PERFORMED BY HAND AND WITH HAND TOOLS ONLY BENEATH PROTECTED TREE DRIPLINES; ADJUST THE LOCATION OF PLANTS TO AVOID TREE ROOT IMPACTS.
 - QUALITY ASSURANCE. A QUALIFIED ARBORIST SHOULD SUPERVISE PROPER EXECUTION OF THIS PLAN ON-CALL DURING CONSTRUCTION ACTIVITIES THAT COULD ENROACH ON RETAINED TREES. TREE PROTECTION SITE INSPECTION MONITORING REPORTS SHOULD BE PROVIDED TO THE CLIENT AND CITY FOLLOWING EACH SITE VISIT PERFORMED DURING CONSTRUCTION.
 - REASSESSMENT. TREES THAT ARE RETAINED WITH SITE IMPROVEMENT WORK SHOULD BE REASSESSED IN TERMS OF FUTURE HOME PLANS; ADDITIONAL TREE REMOVAL OR ALTERNATIVE TREE PROTECTION MEASURES MAY BE NEEDED.

TREE PRESERVATION	
PROPOSED PLAN	NUMBER OF TREES
ONSITE TREES REMOVED	449
ONSITE SIGNIFICANT TREES REMOVED	4
TOTAL TREES REMOVED	453
ONSITE TREES PRESERVED	355
TOTAL ONSITE TREES (INCLUDING SIGNIFICANT)	808
PERCENTAGE OF TREES PRESERVED	43.94%

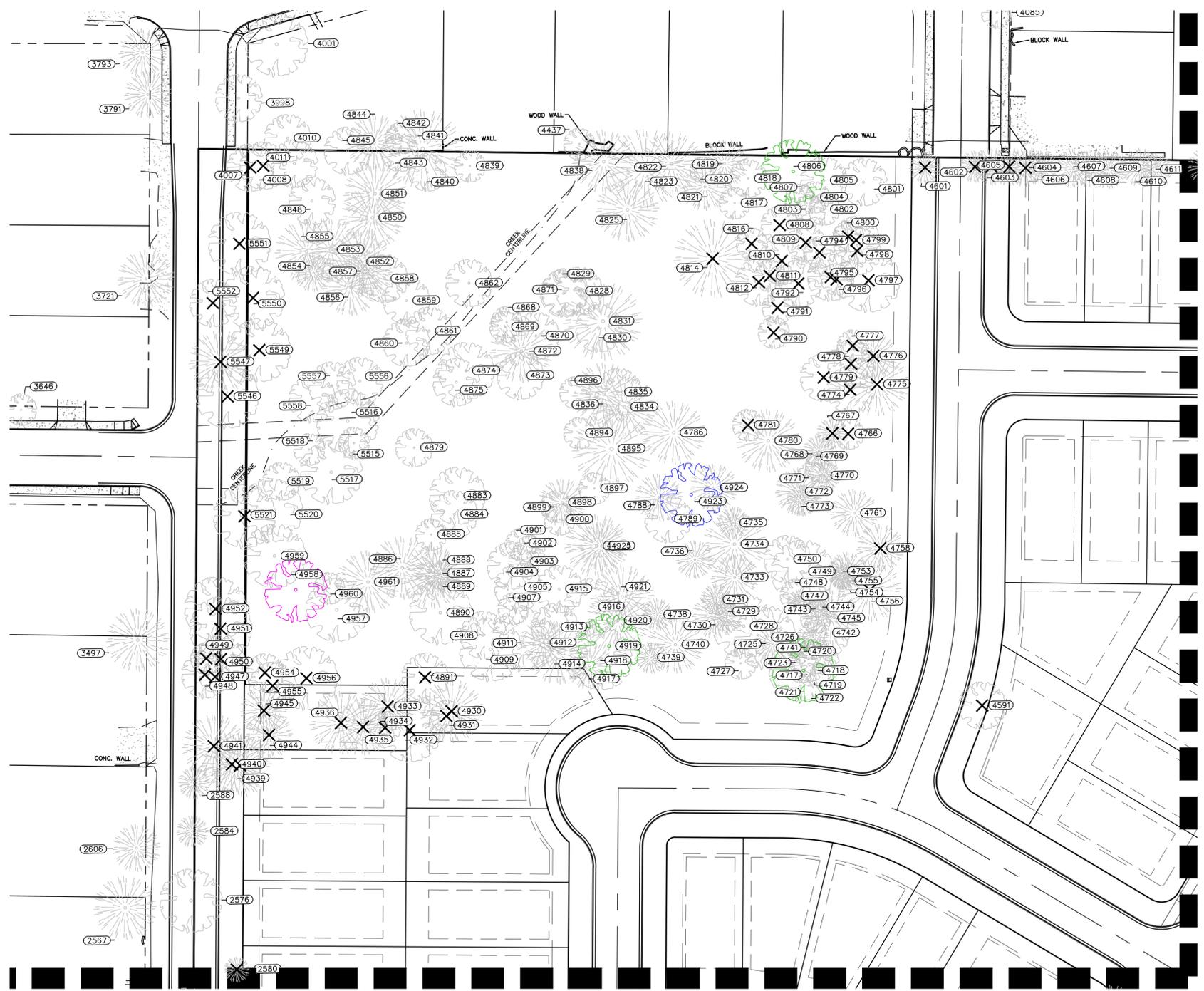
TREE PRESERVATION AND REMOVAL PLAN OVERVIEW

NO.	DATE	DESCRIPTION

EMERIO
 ENGINEERING • SURVEYING • DESIGN
 2687 WILLAMETTE ROAD, SUITE 1A
 EUGENE, OREGON 97401
 TEL: (603) 746-8812
 FAX: (603) 639-8592
 www.emeriodesign.com



4540 PRINGLE RD SE
 TAX MAP - 3000 & 3002
 TAX MAP - 083W11BC
 SW1/4 NW1/4 SEC11 T8S R3W W.M.
 SALEM, OREGON



TREE PROTECTION SPECIFICATIONS

- PRECONSTRUCTION CONFERENCE. PRIOR TO THE START OF CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL COORDINATE WITH THE PROJECT ARBORIST IN A TIMELY MANNER TO REVIEW THE TREE PROTECTION PLAN, VERIFY THAT TREES TO BE RETAINED ARE IDENTIFIED WITH NUMBERED TAGS ON THE GROUND, AND TO INSPECT AND VERIFY THE INSTALLATION OF TREE PROTECTION MEASURES.
- FENCING. TREES TO REMAIN ON SITE SHALL BE PROTECTED BY INSTALLATION OF TREE PROTECTION FENCING AS DEPICTED ON SITE PLANS IN ORDER TO PREVENT INJURY TO TREE TRUNKS OR ROOTS, OR SOIL COMPACTION WITHIN THE ROOT PROTECTION AREA. FENCES SHALL BE A MINIMUM 6-FOOT HIGH 2-INCH CHAIN LINK MESH SECURED TO METAL POSTS DRIVEN INTO THE GROUND. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE PROJECT ARBORIST PRIOR TO OPENING, ADJUSTING OR REMOVING TREE PROTECTION FENCING.
- TREE PROTECTION ZONE. WITHOUT AUTHORIZATION FROM THE PROJECT ARBORIST, NONE OF THE FOLLOWING SHALL OCCUR BENEATH THE DRIPLINE OF ANY PROTECTED TREE:
 - GRADE CHANGE OR CUT AND FILL;
 - NEW IMPERVIOUS SURFACES;
 - UTILITY OR DRAINAGE FIELD PLACEMENT;
 - STAGING OR STORAGE OF MATERIALS AND EQUIPMENT; OR
 - VEHICLE MANEUVERING.
- TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #654 AND #665, IN THE REAR OF LOT 3 FOR REMOVAL OF TREE #6248 AND #6375, IN THE REAR OF LOT 9 FOR REMOVAL OF TREE #5336 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #5359 AND #5369. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

- PRUNING. PRUNING MAY BE NEEDED TO PROVIDE OVERHEAD CLEARANCE AND TO REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR REMOVAL HAVE BEEN REMOVED AND THE SITE IS PREPARED FOR CONSTRUCTION. TREE REMOVAL AND PRUNING SHALL BE PERFORMED BY A QUALIFIED TREE SERVICE.
- EXCAVATION AND ROOT PRUNING. EXCAVATION BENEATH PROTECTED TREE DRIPLINES SHALL BE AVOIDED IF ALTERNATIVES ARE AVAILABLE. IF EXCAVATION IS UNAVOIDABLE, THE PROJECT ARBORIST SHALL EVALUATE THE PROPOSED EXCAVATION TO DETERMINE METHODS TO MINIMIZE IMPACTS TO TREES. ROOT PRUNING SHALL BE DIRECTED AND DOCUMENTED BY THE PROJECT ARBORIST.
- LANDSCAPING. FOLLOWING CONSTRUCTION AND WHERE LANDSCAPING IS DESIRED, APPLY APPROXIMATELY 3-INCHES OF MULCH BENEATH THE DRIPLINE OF PROTECTED TREES IN A MINIMUM 5-FOOT RADIUS AROUND TREE TRUNKS; DO NOT PILE MULCH DIRECTLY AGAINST TREE TRUNKS. SHRUBS AND GROUND COVER PLANTS MAY BE PLANTED WITHIN THE GRASS-FREE MULCH RINGS. IF IRRIGATION IS USED, USE DRIP IRRIGATION OR LOW FLOW EMITTERS INSTALLED AT NATIVE GRADE (NO TRENCHING) ONLY BENEATH THE DRIPLINES OF PROTECTED TREES. LANDSCAPING SHALL BE PERFORMED BY HAND AND WITH HAND TOOLS ONLY BENEATH PROTECTED TREE DRIPLINES; ADJUST THE LOCATION OF PLANTS TO AVOID TREE ROOT IMPACTS.
- QUALITY ASSURANCE. A QUALIFIED ARBORIST SHOULD SUPERVISE PROPER EXECUTION OF THIS PLAN ON-CALL DURING CONSTRUCTION ACTIVITIES THAT COULD ENDOURAGE ON RETAINED TREES. TREE PROTECTION SITE INSPECTION MONITORING REPORTS SHOULD BE PROVIDED TO THE CLIENT AND CITY FOLLOWING EACH SITE VISIT PERFORMED DURING CONSTRUCTION.
- REASSESSMENT. TREES THAT ARE RETAINED WITH SITE IMPROVEMENT WORK SHOULD BE REASSESSED IN TERMS OF FUTURE HOME PLANS; ADDITIONAL TREE REMOVAL OR ALTERNATIVE TREE PROTECTION MEASURES MAY BE NEEDED.

CONDITION

- GOOD
- FAIR
- POOR
- VERY POOR

TREE #	SPECIES	DBH*	REMOVE
2567	CEDAR	40	
2576	OAK	18	
2580	FIR	12	
2584	PINE	14	
2588	PINE	12	
2606	PINE	24	
3497	FIR	30	
3646	DECD	12	
3721	FIR	24	
3791	FIR	20	
3793	FIR	20	
3998	OAK	16	
4001	OAK	20	
4007	OAK	16	REMOVE
4008	OAK	10	REMOVE
4010	OAK	14	
4011	OAK	12	
4437	MAPLE	16	
4591	WALNUT	22	REMOVE
4601	FIR (x2)	12	REMOVE
4602	FIR	14	REMOVE
4603	FIR	22	REMOVE
4604	FIR	15	REMOVE
4605	FIR	15	REMOVE
4606	FIR	14	
4607	FIR	18	
4608	FIR	18	
4609	FIR	14	
4610	FIR	16	
4611	FIR	10	
4711	FIR	18	
4717	OAK	10	
4718	OAK	16	
4719	OAK	10	
4720	OAK	10	
4721	OAK	28	
4722	OAK	18	
4723	OAK	10	
4725	FIR	12	
4726	OAK	22	
4727	OAK	12	
4728	OAK (x2)	18	
4729	FIR	14	
4730	FIR	22	
4731	FIR	12	
4733	FIR	26	
4734	FIR	36	
4735	FIR	10	
4736	FIR	16	
4738	FIR	12	
4739	FIR	12	
4740	FIR	28	
4741	FIR	12	
4742	OAK (x3)	14	
4743	OAK	10	
4744	FIR	12	
4745	FIR	20	
4747	DECD	10	
4748	DECD (x2)	18	
4749	OAK	22	
4750	OAK	20	
4753	FIR	16	
4754	FIR	12	
4755	FIR	20	
4756	FIR	22	REMOVE
4758	FIR	24	REMOVE
4761	FIR	26	
4766	OAK (x2)	10	REMOVE
4767	FIR	16	REMOVE
4768	FIR	12	
4769	OAK	14	
4770	FIR	14	
4771	OAK	10	
4772	FIR	20	
4773	FIR	16	
4774	OAK	16	REMOVE
4775	FIR (x2)	18	REMOVE
4776	FIR	20	REMOVE
4777	OAK	14	REMOVE
4778	OAK (x2)	12	REMOVE
4779	OAK	12	REMOVE
4780	FIR	26	
4781	OAK	12	REMOVE

TREE #	SPECIES	DBH*	REMOVE
4786	FIR	20	
4788	FIR	14	
4789	ALDER	10	
4790	OAK	14	REMOVE
4791	OAK	16	REMOVE
4792	OAK (x2)	14	REMOVE
4794	OAK	14	REMOVE
4795	OAK	18	REMOVE
4796	OAK	12	REMOVE
4797	OAK	18	REMOVE
4798	OAK	16	REMOVE
4799	OAK (x3)	12	REMOVE
4800	OAK (x2)	10	REMOVE
4801	OAK	16	
4802	OAK	10	
4803	OAK	10	
4804	OAK	10	
4805	OAK	14	
4806	OAK	24	
4807	OAK	10	
4808	OAK	12	REMOVE
4809	OAK	14	REMOVE
4810	MAPLE (x3)	10	REMOVE
4811	OAK	10	REMOVE
4812	OAK	14	REMOVE
4814	FIR	28	REMOVE
4816	OAK	10	REMOVE
4817	OAK	10	
4818	OAK	10	
4819	FIR	20	
4820	DECD	10	
4821	FIR	20	
4822	FIR	24	
4823	FIR (x2)	24	
4825	FIR	24	
4828	OAK	14	
4829	OAK (x2)	10	
4830	OAK	16	
4831	FIR	30	
4834	FIR	18	
4835	OAK	16	
4836	FIR	20	
4838	FIR	32	
4839	DECD	12	
4840	OAK	10	
4841	FIR	32	
4842	OAK	10	
4843	OAK	14	
4844	FIR	24	
4845	OAK	16	
4848	OAK	12	
4850	FIR	30	
4851	FIR	28	
4852	FIR	30	
4853	FIR	28	
4854	FIR	12	
4855	FIR	32	
4856	FIR	16	
4857	FIR	16	
4858	OAK	12	
4859	OAK (x2)	12	
4860	OAK	13	
4861	OAK	16	
4862	OAK (x2)	12	
4868	OAK	14	
4869	OAK	14	
4870	OAK	14	
4871	OAK (x2)	12	
4872	FIR	28	
4873	OAK	12	
4874	OAK (x3)	12	
4875	OAK	14	
4879	ALDER	10	
4883	ALDER	14	
4884	OAK	16	
4885	OAK	10	
4886	FIR	18	
4887	FIR	24	
4888	FIR	14	
4889	FIR	10	
4890	OAK	20	
4891	OAK (x2)	14	REMOVE
4894	OAK	10	
4895	FIR	30	
4896	OAK (x2)	10	
4897	OAK	12	

TREE #	SPECIES	DBH*	REMOVE
4898	FIR	14	
4899	OAK	14	
4900	OAK	12	
4901	OAK	10	
4902	OAK	12	
4903	OAK	10	
4904	OAK	14	
4905	OAK	16	
4907	OAK	12	
4908	OAK	16	
4909	OAK	18	
4911	OAK (x3)	16	
4912	FIR	10	
4913	OAK	16	
4914	FIR	36	
4915	OAK (x4)	12	
4916	OAK	22	
4917	FIR	18	
4918	OAK	12	
4919	OAK	28	
4920	FIR	24	
4921	FIR	24	
4923	OAK	28	
4924	FIR	25	
4925	FIR	18	
4926	FIR	24	
4930	FIR	26	REMOVE
4931	OAK	12	REMOVE
4932	OAK (x2)	18	REMOVE
4933	FIR	16	REMOVE
4934	OAK	10	REMOVE
4935	FIR	16	REMOVE
4936	FIR	28	REMOVE
4939	FIR	22	REMOVE
4940	FIR	18	REMOVE
4941	FIR	18	REMOVE
4944	FIR	22	REMOVE
4945	FIR	18	REMOVE
4947	OAK	12	REMOVE
4948	OAK	16	REMOVE
4949	OAK	12	REMOVE
4950	OAK (x2)	14	REMOVE
4951	OAK	22	REMOVE
4952	OAK	18	REMOVE
4954	OAK	14	REMOVE
4955	OAK	12	REMOVE
4956	OAK	18	REMOVE
4957	OAK (x2)	18	
4959	OAK	16	
4960	OAK	12	
4961	FIR	28	
5515	ALDER	12	
5516	CTNWD	20	
5517	OAK	22	
5518	OAK	12	
5519	OAK	14	
5520	OAK	19	
5521	OAK	16	REMOVE
5546	OAK	22	REMOVE
5547	FIR	30	REMOVE
5549	OAK (x2)	16	REMOVE
5550	OAK	16	REMOVE
5551	OAK	16	REMOVE
5552	OAK	14	REMOVE
5556	OAK	14	
5557	OAK (x3)	12	
5558	OAK	14	

DBH* DIAMETER AT BREAST HEIGHT, INCHES.
 ■ INDICATES OFFSITE TREE, OR TREE NOT LOCATED WITHIN PROJECT AREA. NOT INCLUDED IN TREE PRESERVATION COUNT.

TREE PRESERVATION AND REMOVAL PLAN - NORTHWEST

REVISIONS

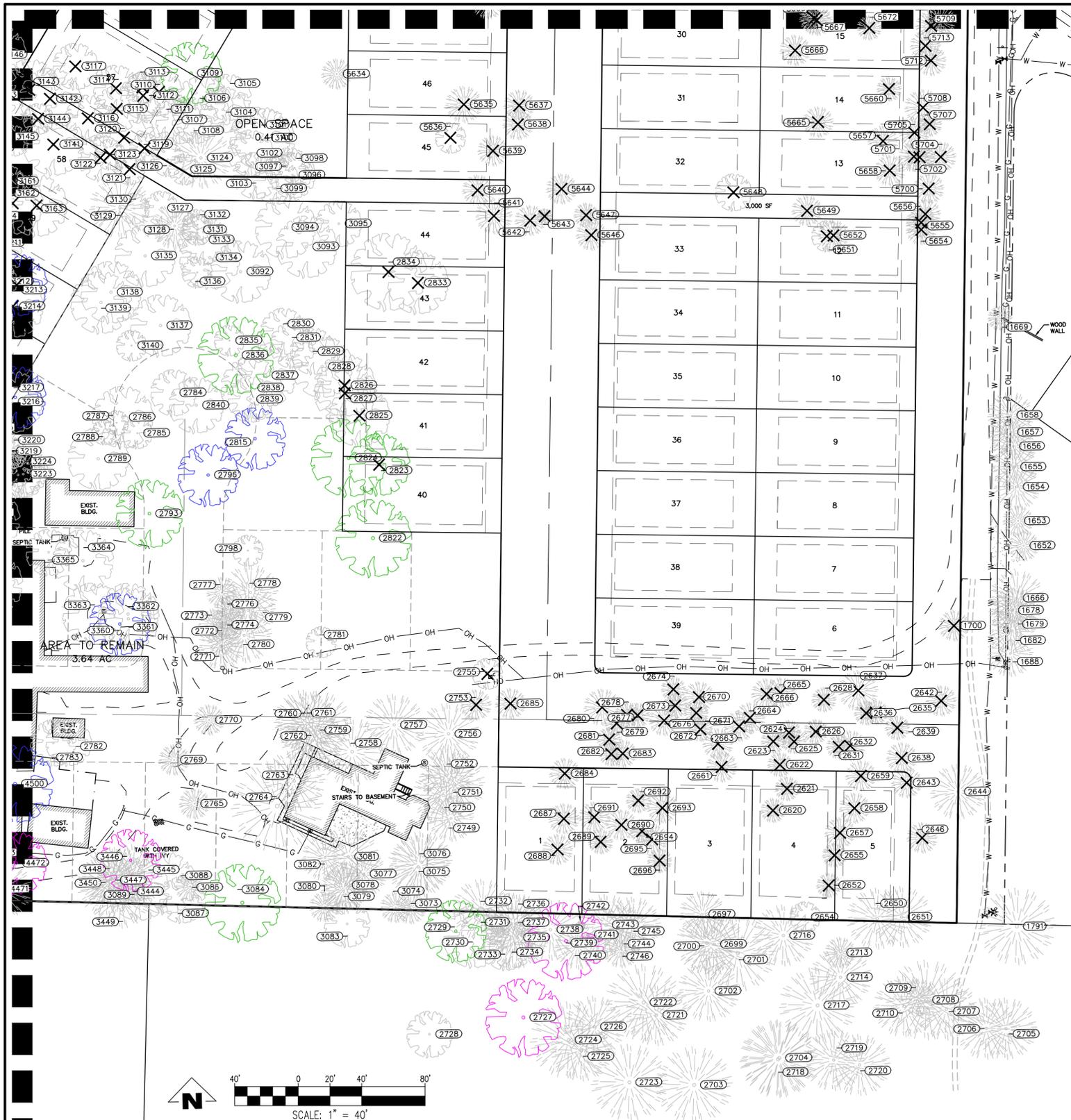
NO.	DATE	DESCRIPTION

EMERIO
 ENGINEERING - SURVEYING - DESIGN
 2687 WILLAMETTE ROAD, SUITE 1A
 EUGENE, OREGON 97401
 TEL: (503) 746-8812
 FAX: (503) 639-8592
 www.emeriodesign.com

REGISTERED PROFESSIONAL ENGINEER
 PRELIMINARY PLAN NOT FOR CONSTRUCTION
 HANKINS
 EXPIRES: 6/30/2023

SHEET
P3.1
 OF

4540 PRINGLE RD SE
 TAX MAP - 3000 & 3002
 TAX MAP - 083W11BC
 SW1/4 NW1/4 SEC11 T8S R3W W.M.
 SALEM, OREGON



TREE PROTECTION SPECIFICATIONS

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- TREE PROTECTION ZONE. WITHOUT AUTHORIZATION

FROM THE PROJECT ARBORIST, NONE OF THE FOLLOWING SHALL OCCUR BENEATH THE DRIFLINE OF ANY PROTECTED TREE:

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THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE PROJECT ARBORIST IN A TIMELY MANNER PRIOR TO WORKING BENEATH PROTECTED TREE DRIFLINES. ROOT PROTECTION ZONES MAY BE ENTERED FOR TASKS LIKE SURVEYING, MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.

PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND #6655, IN THE REAR OF LOT 3 FOR REMOVAL OF TREE #6248 AND #6375, IN THE REAR OF LOT 9 FOR REMOVAL OF TREE #50316 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND. BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

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TRENCHING) ONLY BENEATH THE DRIFLINES OF PROTECTED TREES. LANDSCAPING SHALL BE PERFORMED BY HAND AND WITH HAND TOOLS ONLY BENEATH PROTECTED TREE DRIFLINES; ADJUST THE LOCATION OF PLANTS TO AVOID TREE ROOT IMPACTS.

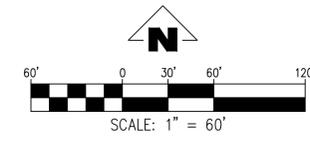
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- REASSESSMENT. TREES THAT ARE RETAINED WITH SITE IMPROVEMENT WORK SHOULD BE REASSESSED IN TERMS OF FUTURE HOME PLANS. ADDITIONAL TREE REMOVAL OR ALTERNATIVE TREE PROTECTION MEASURES MAY BE NEEDED.



TREE #	SPECIES	DBH+	REMOVE
1652	FIR	16	
1653	FIR	18	
1654	FIR	18	
1655	FIR	16	
1656	FIR	16	
1657	FIR	14	
1658	FIR	22	
1666	FIR	20	
1669	CEDAR	10	
1678	FIR	12	
1679	FIR	14	
1682	FIR	16	
1688	FIR	18	
1700	PINE	12	REMOVE
1791	FIR	36	
2620	PINE	12	REMOVE
2621	PINE	12	REMOVE
2622	PINE	10	REMOVE
2623	PINE	12	REMOVE
2624	PINE	10	REMOVE
2625	PINE	10	REMOVE
2626	PINE	12	REMOVE
2628	PINE	16	REMOVE
2631	PINE	12	REMOVE
2632	PINE	13	REMOVE
2635	PINE	12	REMOVE
2636	PINE	12	REMOVE
2637	PINE	16	REMOVE
2638	PINE	16	REMOVE
2639	PINE	10	REMOVE
2642	PINE	12	REMOVE
2643	PINE	14	REMOVE
2644	FIR	32	
2646	PINE	18	REMOVE
2650	FIR	28	
2651	FIR	28	
2652	PINE	12	REMOVE
2654	OAK (x2)	15	
2655	PINE	11	REMOVE
2657	PINE	18	REMOVE
2658	PINE	12	REMOVE
2659	PINE	12	REMOVE
2661	PINE	12	REMOVE
2663	PINE	12	REMOVE
2664	PINE	12	REMOVE
2665	PINE	13	REMOVE
2666	PINE	13	REMOVE
2670	PINE	18	REMOVE
2671	PINE	10	REMOVE
2672	PINE	10	REMOVE
2673	PINE	10	REMOVE
2674	PINE	16	REMOVE
2676	PINE	14	REMOVE
2677	PINE	11	REMOVE
2678	PINE	12	REMOVE
2679	PINE	10	REMOVE
2680	PINE	18	REMOVE
2681	PINE	10	REMOVE
2682	PINE	12	REMOVE
2683	PINE	14	REMOVE
2684	PINE	16	REMOVE
2685	PINE	18	REMOVE
2687	PINE	14	REMOVE
2688	PINE	18	REMOVE
2689	PINE	12	REMOVE
2690	PINE	16	REMOVE
2691	PINE	12	REMOVE
2692	PINE	10	REMOVE
2693	PINE	14	REMOVE
2694	PINE	10	REMOVE
2695	PINE	16	REMOVE
2696	PINE	10	REMOVE
2697	FIR	18	

TREE #	SPECIES	DBH+	REMOVE
2699	FIR	22	
2700	FIR	34	
2701	FIR	48	
2702	FIR	28	
2703	FIR	24	
2704	FIR	42	
2705	FIR	28	
2706	FIR	28	
2707	FIR	26	
2708	FIR	40	
2709	FIR	14	
2710	FIR	32	
2713	FIR	12	
2714	FIR	28	
2716	FIR	28	
2717	FIR	32	
2719	FIR	28	
2720	FIR	28	
2721	FIR	32	
2722	FIR	44	
2723	FIR	40	
2724	FIR	48	
2725	FIR	22	
2726	FIR	24	
2727	OAK	38	
2728	OAK	16	
2729	OAK	24	
2730	OAK	18	
2731	OAK	30	
2732	FIR	30	
2733	OAK	14	
2734	OAK	14	
2735	FIR	30	
2736	FIR	18	
2737	FIR	14	
2738	FIR	30	
2739	OAK	24	
2740	FIR	22	
2741	FIR	12	
2742	FIR	12	
2743	FIR	28	
2744	FIR	24	
2745	FIR	23	
2746	FIR	14	
2748	FIR	18	
2750	FIR	30	
2751	FIR	32	
2752	FIR	24	
2753	PINE	14	REMOVE
2755	DECID	10	REMOVE
2756	FIR	40	
2757	FIR	32	
2758	FIR	32	
2759	FIR	32	
2760	FIR	30	
2761	FIR	16	
2762	FIR	22	
2763	FIR	36	
2764	FIR	52	
2765	FIR	12	
2769	FIR	22	
2770	PINE	16	
2771	FIR	16	
2772	FIR	14	
2775	FIR	16	
2774	FIR	10	
2776	FIR	12	
2777	FIR	12	
2778	FIR	26	
2779	FIR	26	
2780	FIR	30	
2781	BIRCH	12	
2782	OAK	14	
2783	OAK (x3)	14	
2784	OAK	18	
2785	OAK	10	
2786	OAK	18	
2787	OAK	10	
2788	OAK	10	
2789	OAK	10	
2789	OAK	18	
2793	OAK	24	
2796	OAK	24	
2798	OAK	24	
2799	OAK	24	
2800	OAK	24	
2801	OAK	24	
2802	OAK	24	
2803	OAK	24	
2804	OAK	24	
2805	OAK	24	
2806	OAK	24	
2807	OAK	24	
2808	OAK	24	
2809	OAK	24	
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2852	OAK	24	
2853	OAK	24	
2854	OAK	24	
2855	OAK	24	
2856	OAK	24	
2857	OAK	24	
2858	OAK	24	
2859	OAK	24	
2860	OAK	24	
2861	OAK	24	
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2863	OAK	24	
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2865	OAK	24	
2866	OAK	24	
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2871	OAK	24	
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2875	OAK	24	
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2887	OAK	24	
2888	OAK	24	
2889	OAK	24	
2890	OAK	24	
2891	OAK	24	
2892	OAK	24	
2893	OAK	24	
2894	OAK	24	
2895	OAK	24	
2896	OAK	24	
2897	OAK	24	

TREE #	SPECIES	DBH+	REMOVE
2833	OAK (x2)	16	REMOVE
2834	OAK	22	REMOVE
2835	OAK	10	
2836	OAK	30	
2837	OAK	18	
2838	OAK (x3)	18	
2839	OAK (x2)	12	
2840	OAK	20	
2841	FIR	14	
2842	FIR	14	
2843	FIR	36	
2844	FIR	26	
2845	FIR	24	
2846	FIR	44	
2847	FIR	24	
2848	FIR	15	
2849	FIR	26	
2850	FIR	22	
2851	FIR	22	
2852	FIR	22	
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2906	FIR	22	
2907	FIR	22	
2908	FIR	22	
2909	FIR	22	
2910	FIR	22	
2911	FIR	2	



4540 PRINGLE RD SE
 TAX MAP - 3000 & 3002
 TAX MAP - 083W11BC
 SW1/4 NW1/4 SEC11 T8S R3W W.M.
 SALEM, OREGON

TENTATIVE PLAT - PHASE 1

NO.	DATE	DESCRIPTION

EMERIO
 ENGINEERING - SURVEYING - DESIGN
 2687 WILLAMETTE ROAD, SUITE 1A
 EUGENE, OREGON 97401
 TEL: (503) 746-8812
 FAX: (503) 639-8592
 www.emeriodesign.com



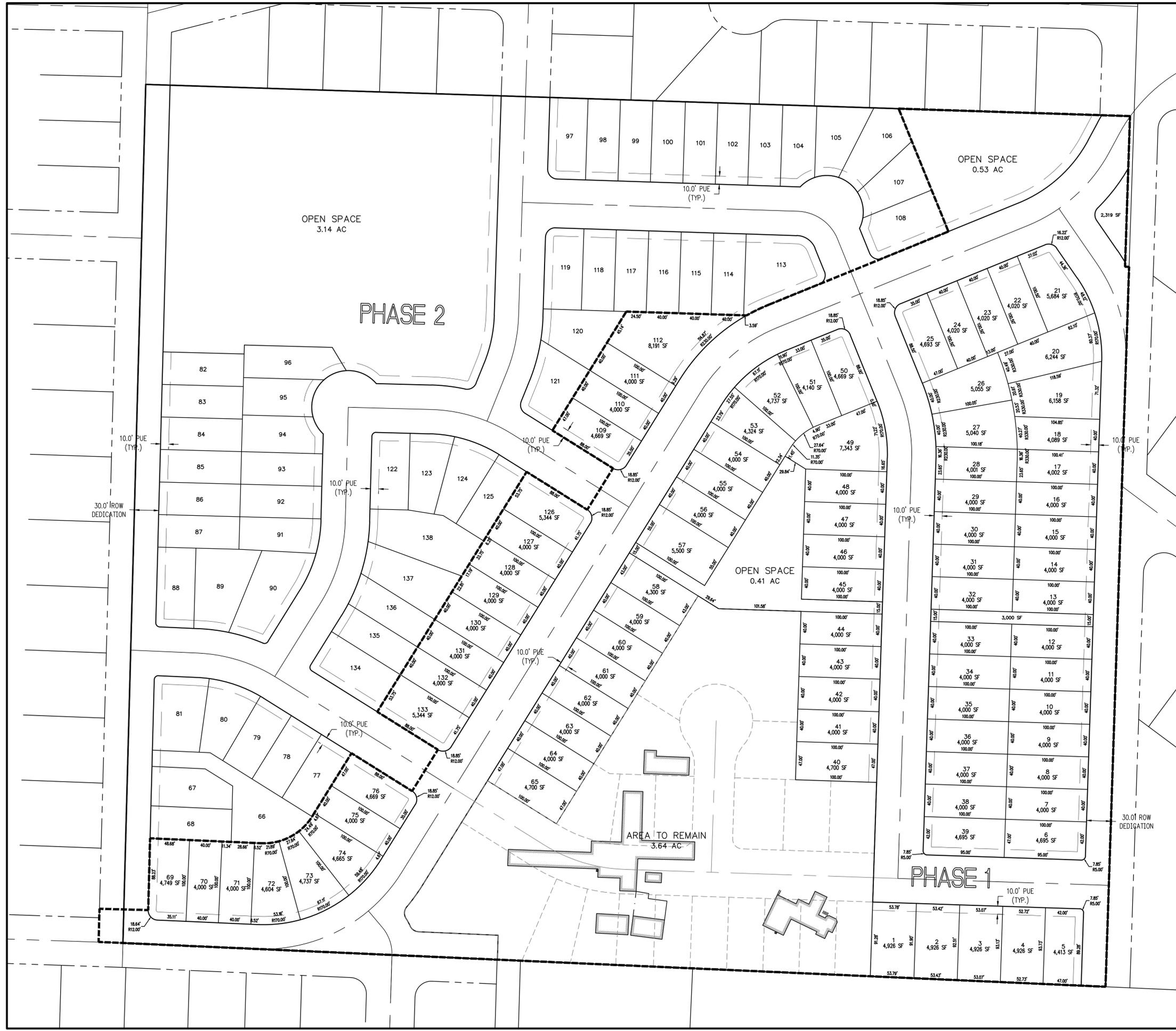
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DEVELOPMENT CODE SUMMARY

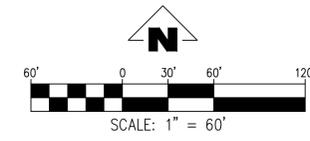
SINGLE FAMILY LOT STANDARDS (SDC 511.010)

MINIMUM LOT AREA:	4,000 SF
MINIMUM LOT WIDTH:	40 FT
MINIMUM LOT DEPTH:	70 FT
MAXIMUM LOT DEPTH:	300% AVERAGE LOT WIDTH
MINIMUM STREET FRONTAGE:	40 FT

MINIMUM SETBACKS	
LOTS ABUTTING STREETS:	12 FT (20 FT ABUTTING COLLECTOR)
INTERIOR FRONT:	12 FT
INTERIOR SIDE:	5 FT
INTERIOR REAR:	14 FT



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4540 PRINGLE RD SE
 TAX MAP - 3000 & 3002
 TAX MAP - 083W11BC
 SW1/4 NW1/4 SEC11 T8S R3W W.M.
 SALEM, OREGON

TENTATIVE PLAT - PHASE 2

NO.	DATE	DESCRIPTION

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 FAX: (503) 639-9592
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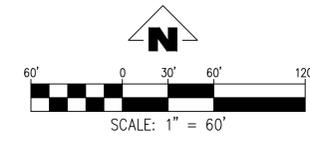
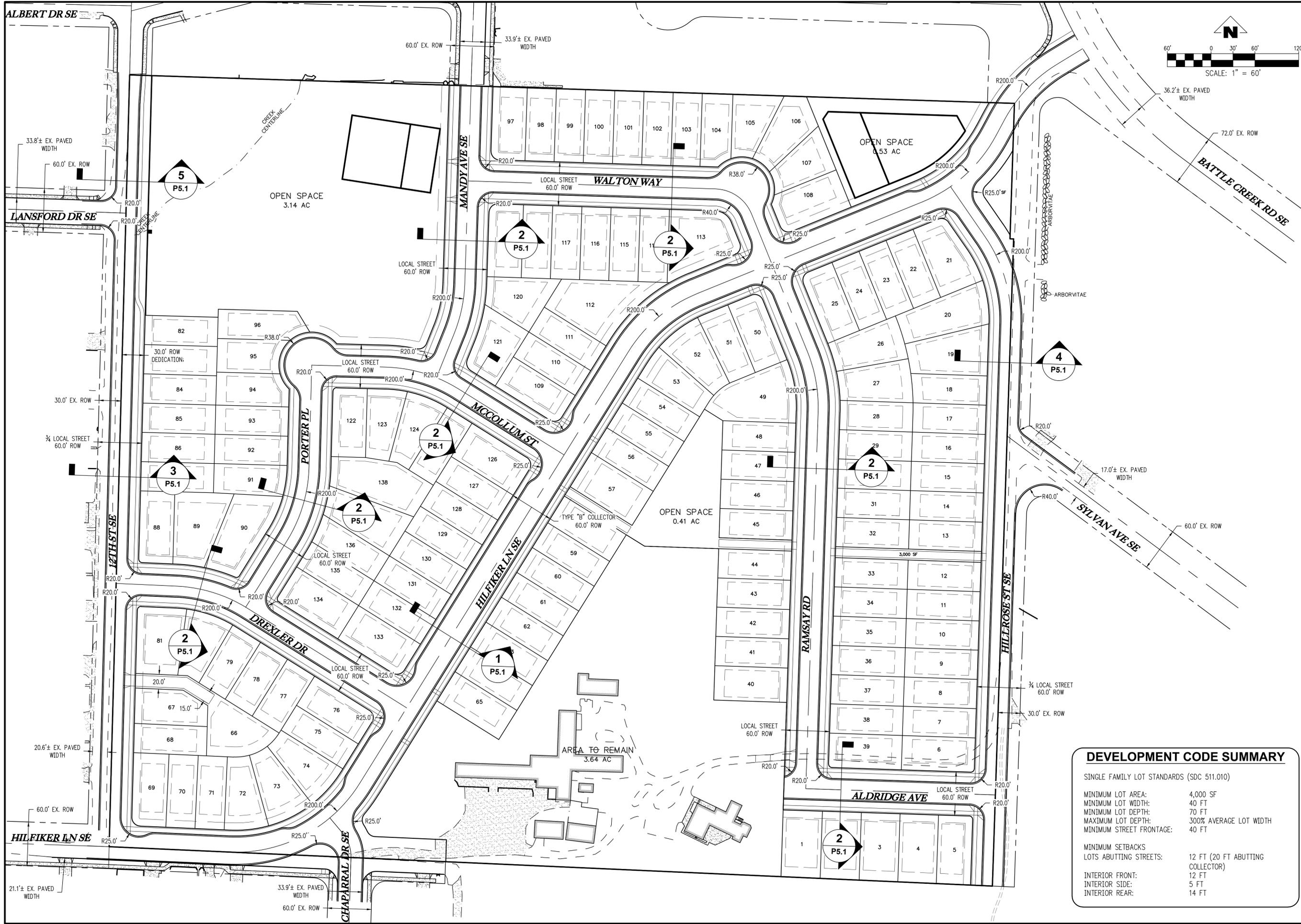


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DEVELOPMENT CODE SUMMARY

SINGLE FAMILY LOT STANDARDS (SDC 511.010)

MINIMUM LOT AREA:	4,000 SF
MINIMUM LOT WIDTH:	40 FT
MINIMUM LOT DEPTH:	70 FT
MAXIMUM LOT DEPTH:	300% AVERAGE LOT WIDTH
MINIMUM STREET FRONTAGE:	40 FT
MINIMUM SETBACKS	
LOTS ABUTTING STREETS:	12 FT (20 FT ABUTTING COLLECTOR)
INTERIOR FRONT:	12 FT
INTERIOR SIDE:	5 FT
INTERIOR REAR:	14 FT



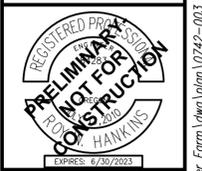
DEVELOPMENT CODE SUMMARY	
SINGLE FAMILY LOT STANDARDS (SDC 511.010)	
MINIMUM LOT AREA:	4,000 SF
MINIMUM LOT WIDTH:	40 FT
MINIMUM LOT DEPTH:	70 FT
MAXIMUM LOT DEPTH:	300% AVERAGE LOT WIDTH
MINIMUM STREET FRONTAGE:	40 FT
MINIMUM SETBACKS	
LOTS ABUTTING STREETS:	12 FT (20 FT ABUTTING COLLECTOR)
INTERIOR FRONT:	12 FT
INTERIOR SIDE:	5 FT
INTERIOR REAR:	14 FT

4540 PRINGLE RD SE
 TAX MAP - 3000 & 3002
 TAX MAP - 083W11BC
 SW1/4 NW1/4 SEC11 T8S R3W W.M.
 SALEM, OREGON

TENTATIVE SITE PLAN

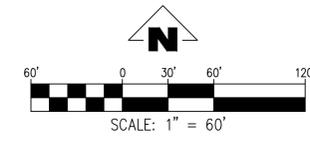
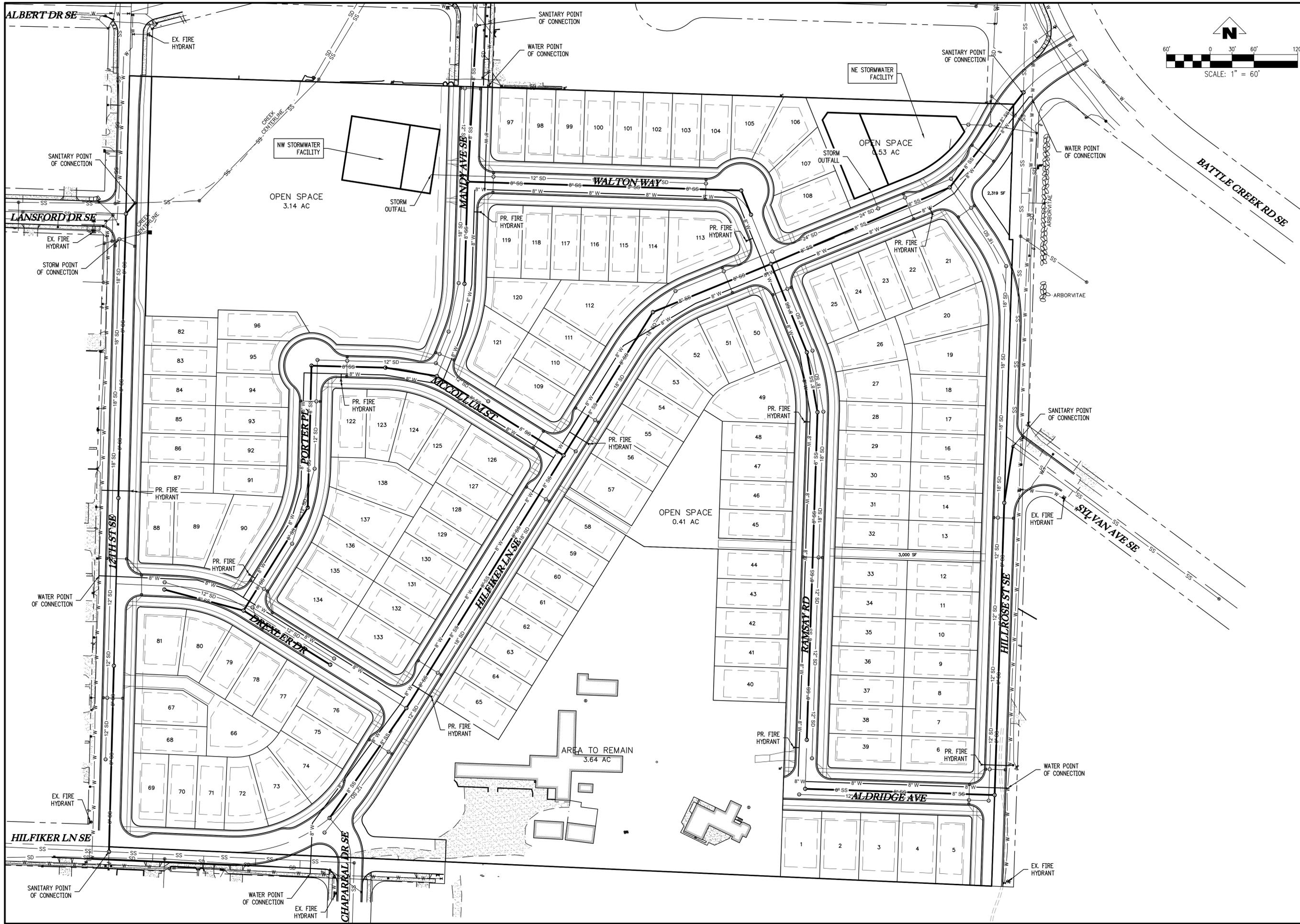
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4540 PRINGLE RD SE
 TAX MAP - 3000 & 3002
 TAX MAP - 083W11BC
 SW1/4 NW1/4 SEC11 T8S R3W W.M.
 SALEM, OREGON

**TENTATIVE COMPOSITE
 UTILITY PLAN**

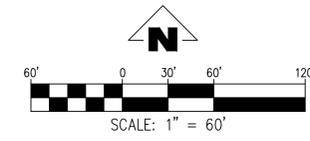
NO.	DATE	DESCRIPTION

EMERIO
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 2687 WILLAMETTE ROAD, SUITE 1A
 EUGENE, OREGON 97401
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4540 PRINGLE RD SE
 TAX MAP - 3000 & 3002
 TAX MAP - 083W11BC
 SW1/4 NW1/4 SEC11 T8S R3W W.M.
 SALEM, OREGON

TENTATIVE GRADING PLAN

NO.	DATE	DESCRIPTION

EMERIO
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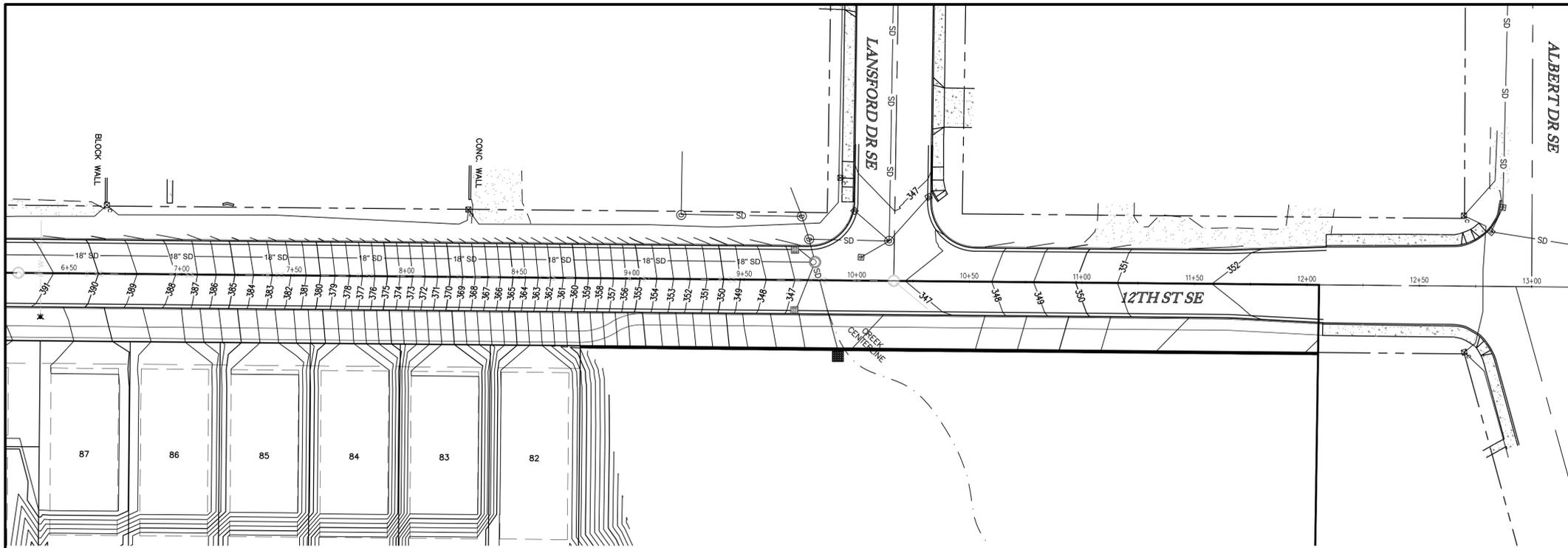
2887 WILLAMETTE ROAD, SUITE 1A
 EUGENE, OREGON 97401
 TEL: (603) 746-8812
 FAX: (603) 639-9592
 www.emeriodesign.com



TENTATIVE EARTHWORK SUMMARY	
	VOLUME IN CY
6" STRIPPINGS	17,500
CUT	50,000
FILL	66,500
NET	16,500 CY FILL/IMPORT

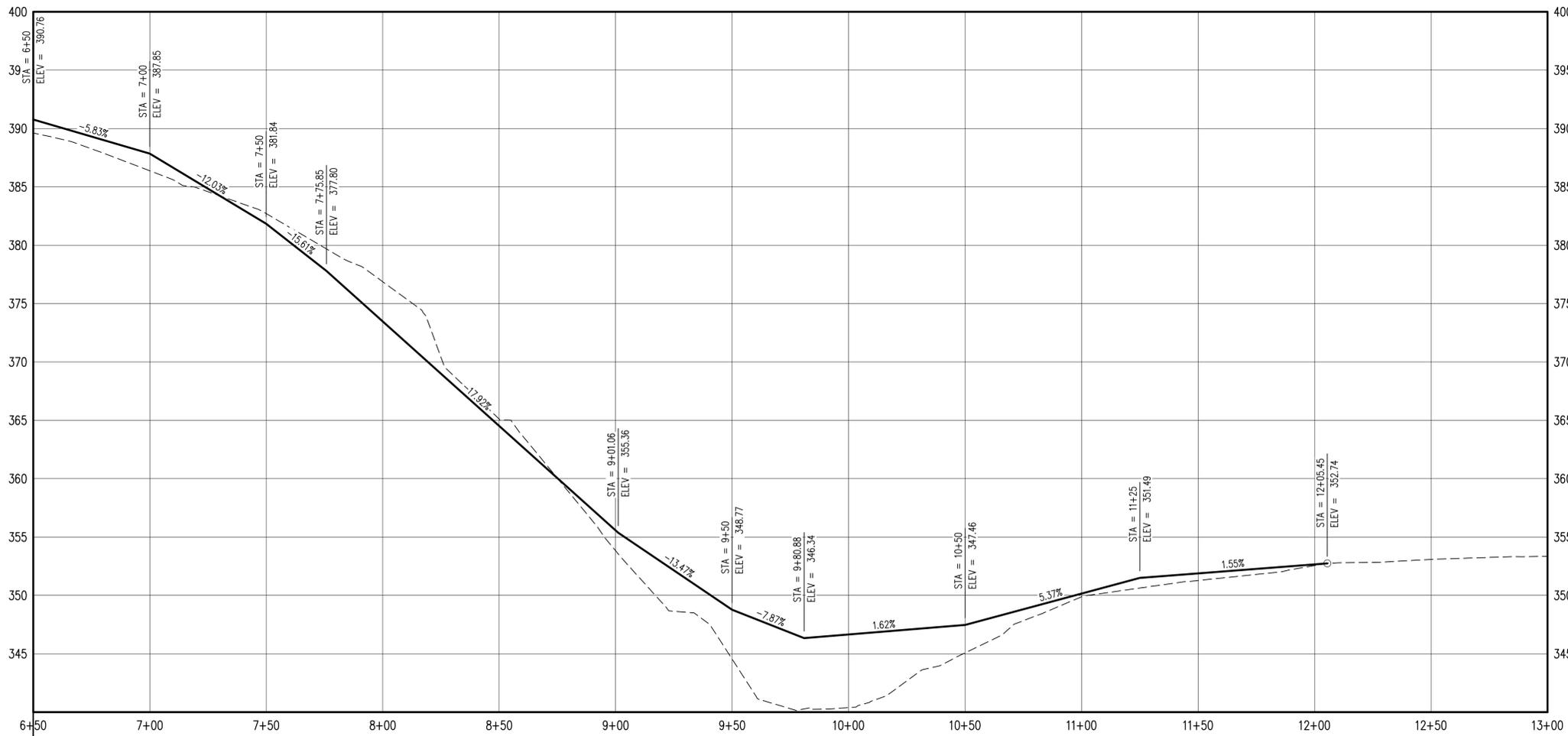
NOTE: TRENCH SPOILS ARE NOT INCLUDED IN THIS CALCULATION, CONTRACTOR SHALL INDEPENDENTLY VERIFY VOLUMES.

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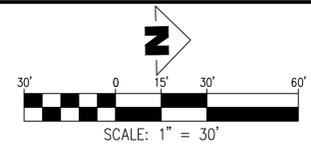
12TH STREET SE STA 6+50 TO 13+00 - PLAN

1" = 30'

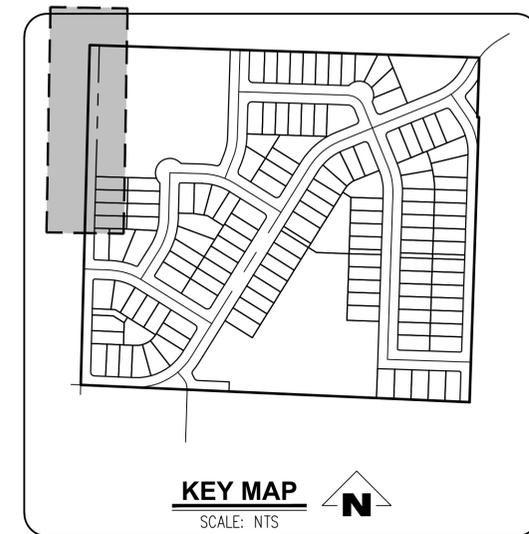


12TH STREET SE STA 6+50 TO 13+00 - PROFILE

1" = 30' H/1" = 6' V



SCALE: 1" = 30'



KEY MAP

SCALE: NTS

4540 PRINGLE RD SE
 TAX MAP - 3000 & 3002
 TAX MAP - 083W11BC
 SW1/4 NW1/4 SEC11 T8S R3W W.M.
 SALEM, OREGON

**12TH STREET SE STA 6+50
 TO 13+00 - PLAN AND
 PROFILE**

REVISIONS	
NO.	DATE DESCRIPTION

EMERIO
 ENGINEERING • SURVEYING • DESIGN
 2667 WILLAMETTE ROAD, SUITE 1A
 EUGENE, OREGON 97401
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 FAX: (603) 639-6562
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Meyer Farm Phased Subdivision

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CITY OF SALEM UNIFIED DEVELOPMENT CODE TITLE X

SRC: 205.010: Subdivision Tentative Plan

SRC: 205.015: Phased Subdivision Tentative Plan

SRC: 510.010: Development Standards – Residential Agriculture Zone

SRC: 511.010: Development Standards – Single-Family Residential Zone

SRC: 800.000: General Development Standards

SRC: 802.000: Public Improvements

SRC: 803.000: Streets and Right-Of-Way Improvements

SRC: 804.000: Driveway Approaches

SRC: 805.000: Vision Clearance

SRC: 806.000: Off-Street, Loading and Driveways

SRC: 807.000: Landscaping and Screening

SRC: 808.000: Preservation of Trees and Vegetation

SRC: 810.000: Landslide Hazards

VI. CONCLUSION



I. PROJECT DESCRIPTION

APPLICANT: Kehoe Northwest Properties
11627 S. Summerville Ave.
Portland, OR 97219

**CIVIL ENGINEER,
PLANNING &**

SURVEYOR: Emerio Design, LLC
6445 SW Fallbrook Pl., Suite 100
Beaverton, OR 97008

Roy Hankins, P.E. – Director of Operations (Eugene)
(541) 521-9797
roy@emeriodesign.com

Jennifer Arnold, Senior Land Use Planner
(541) 263-0933
jarnold@emeriodesign.com

TRANSPORTATION

ENGINEER: Kittelson & Associates, Inc.
851 SW 6th Avenue, Suite 600
Portland, OR 97204

ARCHAEOLOGIST: NV5
Karry Blake, MA, RPA
9450 SW Commerce Circle, Suite 300
Wilsonville, OR 99707

SITE

LOCATION: The approximate 29-acre subject property is located at 4540 Pringle Road SE on the north side of Hilfiker Lane SE and on the west side of Pringle Road SE.

TAX LOTS: 083W11BC: Tax Lots 3000 and 3200

SITE SIZE: The subject site totals approximately 30 acres in size.

ZONING: Residential Agriculture (RA) & Single-Family Residential (RS), City of Salem, Oregon

REQUEST: The applicant is seeking approval to subdivide the 25.63-acre property into 138 single-family lots.

II. SITE DESCRIPTION/EXISTING CONDITIONS

The subject property is approximately 25.63 acres, located at 4540 Pringle Road SE, and split zoned between Residential Agriculture (RA) and Single Family Residential (RS). The subject property is surrounded by single-family development and has a small creek located in the northwest corner. Of the total 817 identified trees, 217 trees (including 5 significant Oak trees) are proposed to be preserved. The property is best described as having rolling hills with low areas at 133 feet near the creek and high areas in the southwest corner at 395 feet. An existing conditions map, grading plan, and road profile sheets are included with this submittal.

III. NEEDED HOUSING APPLICATION

As a subdivision application for a housing development, this Application is subject to Oregon’s “Needed Housing” statutes – ORS 197.303(1), 197.307(4) and (6), 197.522, 227.173(2) and 227.175(4). Oregon law defines “needed housing” as:

all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 (Policy) to 197.490 (Restriction on establishment of park);
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

ORS 197.303(1). This Application falls under the definition of “needed housing” because (a) it is on land zoned for residential use that is within an urban growth boundary; and (b) will consist of attached and/or detached single-family housing for owner and/or renter occupancy. *Id.*

The Needed Housing statutes require, among other things, that approval criteria for such developments be analyzed using only “clear and objective” standards, conditions of approval, and procedures. ORS 197.307(4). “Generally, approval standards [as well as procedures and conditions of approval] are clear and objective if they do not impose ‘subjective, value-laden analyses that are designed to balance or mitigate impacts.’” *Warren v. Washington County*, (Or LUBA 2018) (citing *Rogue Valley Assoc. of*

Realtors v. City of Ashland, 35 Or LUBA 139, 158 (1998), *aff'd* 158 Or App 1, 970 P.2d 685, *rev den* 328 Or 549 (1999)). Moreover, all standards for needed housing must be “clear and objective on the face of the ordinance.” ORS 227.173(2).

However, the local government is allowed to “adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

- (a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;
- (b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and
- (c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.”

ORS 197.307(6).

Further, Oregon *requires* local governments to approve “an application for a permit, authorization or other approval necessary for the subdivision or partitioning of, or construction on, any land for needed housing that is consistent with the comprehensive plan and applicable land use regulations.” ORS 197.522(2). If a subdivision application is not consistent with the comprehensive plan and applicable land use regulations, the local government must, prior to making a final decision, “allow the applicant to offer an amendment or to propose conditions of approval that would make the application consistent with the plan and applicable regulations.” ORS 197.522(3).

Finally, a city “may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including clear and objective design standards contained in the city comprehensive plan or land use regulations.” ORS 227.175(4)(b)(A).

The City of Salem has not adopted an alternate approval process as allowed by ORS 197.307(6). As such, the City may only apply clear and objective approval criteria, standards, and processes to this Application, and must impose only clear and objective conditions of approval on the Application. Any approval criteria, standards, procedures, or conditions that are subjective (i.e. not clear and objective) cannot be applied to this Application. And, the City must approve this Application if it meets the applicable clear and objective approval criteria.

Applicant has identified the approval criteria, standards, and procedures below that are not clear and objective.

IV. LIMITED LAND USE APPLICATION

The subdivision application is also considered a “limited land use application” as defined by ORS 197.015(12) and is thus subject to ORS 197.195(1), which allows only those Comprehensive Plan and

Transportation System Plan (“TSP”) policies that have been properly incorporated into land use regulations to apply as approval criteria.

Specifically, a city whose code incorporates its comprehensive plan or TSP policies must do more than provide a “broad injunction to comply with unspecified portions” of the plan and/or TSP. *Paterson v. City of Bend*, 49 Or LUBA 160, 167 (2005), *aff’d in part, rev’d and rem’d on other grounds*, 201 OR App 344, 118 P.3d 842 (2005); *see also Oster v. City of Silverton*, Slip Op. at 9 (Or. LUBA 2019). “In order to ‘incorporate’ a comprehensive plan standard into a local government’s land use regulations within the meaning of ORS 197.195(1), the local government must at least amend its land use regulations to make clear what specific policies or other provisions of the comprehensive plan apply to a limited land use decision as approval criteria.” *Paterson*, 49 Or LUBA at 167; *see also Oster*, Slip Op. at 9. In other words, a city’s code provisions must “make clear what specific policies, action items, or performance standards contained in the [comprehensive plan or] TSP apply as approval criteria for a limited land use decision.” *Oster*, Slip Op. at p. 12. “Incorporation by reference of the entirety of each of the city’s public facilities plan falls far short.” *Id.*

The City of Salem has not properly incorporated many of its Comprehensive Plan and TSP policies into the approval criteria relevant to this Application. As such, they cannot be applied.

Applicant has identified the approval criteria below that do not properly incorporate the Comprehensive Plan and TSP policies.

V. RESPONSE TO APPLICABLE CODE STANDARDS & APPROVAL CRITERIA

SECTION 205.010. – SUBDIVISION TENTATIVE PLAN

- (a) *Applicability.* No land shall be divided into four or more lots within a calendar without receiving tentative subdivision plan approval as set forth in this section.
- (b) *Procedure type.* A tentative subdivision plan is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative subdivision plan shall include the information required in SRC 205.030.
- (d) *Criteria.* A tentative subdivision plan shall be approved if all of the following criteria are met:
 - (1) The tentative subdivision plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to, the following:
 - (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.
 - (B) City infrastructure standards.

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

Applicant Response: The provisions of the UDC for lot standards (area, width, depth, frontage), and designation of front and rear lot lines are addressed below in this narrative. The city infrastructure standards and vision clearance standards are addressed below in this narrative. This application submittal also includes a geotechnical analysis. The criteria are met.

However, criterion 1 (subsection (d)(1)) is not clear and objective. Simply citing “applicable provisions of the UDC,” without specifying which provisions are applicable, does provide the Applicant sufficient information. Further, the phrase “including, but not limited to” is subjective and allows for discretion. Further, “City infrastructure standards” does not provide any information as to what those standards are that must be complied with. As such, this criterion cannot be applied to the Application.

- (2) The tentative subdivision plan does not impede the future use or development of the property or adjacent land.
- (3) Development within the tentative subdivision plan can be adequately served by city infrastructure.

Applicant Response: This proposed subdivision plan does not impede the future use or development of the property or adjacent land. A future development plan is shown over the existing farmhouse tract to comply with UDC standards. A composite utility plan and a right-of-way improvement plan have been included with this application to demonstrate that the tentative subdivision can be adequately served by city infrastructure. The criteria are met.

However, criterion 2 (subsection (d)(2)) is not clear and objective because it does not define how such tentative subdivision plan could “impede the future use or development of the property or adjacent land” – rather, it allows for discretion by the review authority. As such, this criterion cannot be applied to this Application.

Criterion 3 (subsection (d)(3)) is similarly not clear and objective because it does not define “adequately served” – this phrase is subjective and allows for discretion by the review authority. As such, it cannot be applied to this Application.

- (4) The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.
- (5) The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

- (6) The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.
- (7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Applicant Response: The existing and proposed street systems in and adjacent to the subject site conform to the Salem Transportation System Plan (see sheet P5.0 Tentative Site Plan). The proposed street system and associated improvements provide safe, orderly, and efficient circulation into, through and out of the subdivision. The applicant proposes to install a pedestrian trail from Hillrose Street from the east side of the subject site to the sidewalks on the west side of Hilfiker Lane. Sidewalks are proposed throughout the subdivision where practical. There are no transit stops or employment centers in or adjacent to the subject property. A traffic impact analysis has been included with this submittal and proposes to follow the recommendations made by Kittelson and Associates. The criteria are met.

However, criterion 4 (subsection (d)(4)) is not clear and objective because it includes the phrase “conforms to,” which is subjective and allows for discretion. Moreover, the Transportation System Plan (TSP) is not properly incorporated into this criterion because it includes merely a general reference to the plan and does not specify which provisions of the TSP are applicable. As such, criterion 4 cannot be applied to this Application.

Criterion 5 (subsection (d)(5)) is not clear and objective for “provid[ing] for the safe, orderly, and efficient circulation of traffic.” This phrase includes subjective terms and allows for discretion by the review authority. As such, it cannot be applied to this Application.

Criterion 6 (subsection (d)(6)) is not clear and objective because “safe and convenient” are subjective, undefined terms that allow for discretion. Moreover, this criterion leaves open the definition of “neighborhood activity centers” by including “but are not limited to” in its definition, making the requirement subjective. As such, this criterion cannot be applied to this Application.

Criterion 7 (subsection (d)(7)) is not clear and objective because it requires the plan to “mitigate impacts to the transportation system,” which is subjective. It also only applies “where applicable,” which allows for discretion. As such, this criterion cannot be applied to this Application.

- (8) The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.
- (9) The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.
- (10) When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Applicant Response: An existing conditions map has been included with this submittal and the tentative subdivision plan accounts for the topography and vegetation without a need for a variance. The applicant has taken these factors into account and only proposes the disruption of the site due to reasonable development of the lots. This proposal does not require an Urban Growth Preliminary Declaration under SRC 200. The criteria are met.

However, criterion 8 (subsection (d)(8)) requires the tentative subdivision plan to “take into account” certain features, and does not adequately define what must be considered. Further, “minimized” and “to the greatest extent practicable” are subjective terms with no numerically or otherwise defined bounds. As such, this criterion is not clear and objective and cannot be applied to this Application.

Criterion 9 (subsection (d)(9)) similarly requires the tentative subdivision plan to “take into account” certain features, and does not adequately define what must be considered. Further, “the least disruption” is a subjective term with no numerically or otherwise defined bounds. As such, this criterion is not clear and objective and cannot be applied to this Application.

Criterion 10 (subsection (d)(10)) is not clear and objective because it does not define the manner in which the plan can “ensure[] that the conditions requiring the construction of on-site infrastructure . . . will occur.” As such, it cannot be applied to this Application.

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

Applicant Response: The applicant understands the expiration criteria of SRC 300.850. The criterion is met.

SECTION 205.015. – PHASED SUBDIVISION TENTATIVE PLAN

- (a) *Applicability.* The subdivision of land may be phased. No land shall be divided as a phased subdivision without receiving tentative phased subdivision plan approval as set forth in this section. When the subdivision of land is phased, one tentative plan is approved for the entire phased subdivision, and each individual phase receives separate final plat approval.
- (b) *Procedure type.* A tentative phased subdivision plan is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative phased subdivision plan shall include:
 - (1) The information required in SRC 205.030; and
 - (2) A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required city infrastructure in each phase.
- (d) *Approval criteria.* A tentative phased subdivision plan shall be approved if all of the following criteria are met:
 - (1) The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).
 - (2) Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.
 - (3) Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.
 - (4) Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

Applicant Response: This application includes a phasing plan which includes phasing boundaries, tentative configuration, and plan for construction of required infrastructure. Per the submitted plans included with this application, and as shown above, the requirements of SRC 205.010(d) are met. Public improvements are noted on each subdivision phase. Each phase is self-contained and supports the infrastructure requirements for the subdivision as a whole. The criteria are met.

However, criterion 1 (subsection (d)(1)) is not clear and objective because the criteria set forth in SRC 205.010(d) are not clear and objective, as explained above. Thus, to the extent the criteria set forth in SRC 205.010(d) cannot be applied, this criterion also cannot be applied to this Application.

Criterion 2 (subsection (d)(2)) is not clear and objective because “orderly and efficient construction” is not defined, is subjective, and allows for discretion. As such, this criterion cannot be applied to the Application.

Criterion 3 (subsection (d)(3)) is not clear and objective because “substantially and functionally self-contained and self-containing” is not defined, is subjective, and allows for discretion. As such, this criterion cannot be applied to the Application.

Criterion 4 (subsection (d)(4)) is not clear and objective because it does not define the manner in which each phase can be “defined in such a manner that all phases support the infrastructure requirements.” As such, it cannot be applied to this Application.

- (e) *Modification pursuant to final plat approval.* If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan shall be modified prior to approval of the final plat.
- (f) *Expiration.* Tentative phased subdivision plan approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted for each phase within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

Applicant Response: No modifications pursuant to final plat approval are included with this application. The applicant understands the expiration requirements of SRC 300.850. The criteria are met.

SECTION 510.010. – DEVELOPMENT STANDARDS: Residential Agriculture Zone

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

- (a) *Lot standards.* Lots within the RA zone shall conform to the standards set forth in Table 510-2.

Table 510-2 Lot Standards		
Requirement	Standard	Limitations & Qualifications
Lot Area		
Single Family	Min. 4,000 sq. ft.	
Lot Width		
Single Family and Two Family	Min. 40 ft.	
Lot Depth		
Single Family	Min. 70 ft. Min. 120 ft. Max. 300% of average lot width	Applicable to double frontage lots.
Street Frontage		
Single Family and Two Family	Min. 40 ft. Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of

		<p>200 feet or less and a direction change of 60 degrees or more.</p> <p>In no case shall the lot width be less than 40 ft. at the front building setback line.</p>
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Applicant Response: As shown on the tentative plat, the lot dimension standards (width, depth, frontage & area) of Table 510-2 are met.

- (b) *Setbacks.* Setbacks within the RA zone shall be provided as set forth in Table 510-3.

Applicant Response: Setback lines are shown on the tentative site plan and comply with the standards of Table 510-3. The criteria are met.

- (c) *Lot coverage; height.* Buildings and accessory structures within the RA zone shall conform to the lot coverage and height standards set forth in Table 510-4.

Applicant Response: Lot coverage and building height standards are to be evaluated for compliance with the standards prior to issuance of a building permit. The criterion is met.

- (d) Garages required.
 - (1) Except as otherwise provided in SRC 700.025 for manufactured homes on individual lots, each dwelling constructed after February 8, 2006, within the RA zone shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to, or detached from, the dwelling. Nothing in this subsection shall prevent subsequent removal or conversion of the garage, so long as the minimum number of required off-street parking spaces is maintained.
 - (2) Exception to this standard may be made if, at the time of building permit review, the applicant can show that the construction of the dwelling is being provided by a not-for-profit organization to families at or below the City's 60 percent median income level, as defined by the U.S. Department of Housing and Urban Development; and provision is made for a minimum of 480 cubic feet of on-site storage within a portion of the dwelling unit, or within a detached accessory structure. Such exemption shall only be made for those dwellings built on lots created through a subdivision.

Applicant Response: Garages are proposed with the single-family home development and compliance with these standards is to be evaluated prior to issuance of a building permit. The criteria are met.

However, the requirement in subsection (d)(1) for a garage to be constructed of “like materials and color as the dwelling” is subjective and allows for discretion. As such, it is not clear and objective and cannot be applied to this Application.

- (e) *Development standards for continued uses.* Buildings 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 following standards:
 - (1) The altered, enlarged, or rebuilt building or structure shall conform to development standards set forth in this chapter, and to all other applicable provisions of the UDC.
 - (2) Any building or structure altered or enlarged shall not exceed the square footage and height of the original building or structure by more than 20 percent.
 - (3) Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure, or in compliance with the setbacks set forth in Table 510-3. The square footage and height of the rebuilt building or structure shall not exceed the square footage and height of the original building or structure by more than 20 percent.

Applicant Response: The existing farmhouse and associated accessory structures are proposed to be preserved on a 3.64 ac parcel. A future development plan has been shown over this area indicated how this parcel could be developed consistent to the adjacent area. No other existing uses are proposed to remain or be altered with this application. The criteria are met.

However, subsection (e)(1) includes a requirement to “conform to development standards set forth in this chapter, and to other applicable provisions of the UDC.” Without specific inclusion of which standards and provisions are applicable, this requirement is subjective and allows for discretion. As such, it cannot be applied to this Application.

SECTION 511.010: DEVELOPMENT STANDARDS – Single Family Residential

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

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

Table 511-2 Lot Standards		
Requirement	Standard	Limitations & Qualifications
Lot Area		
Single Family	Min. 4,000 sq. ft.	
Lot Width		
All Uses	Min. 40 ft.	
Lot Depth		
Single Family and Two Family	Min. 70 ft. Min. 120 ft. Max. 300% of average lot width	Applicable to double frontage lots.
Street Frontage		
Single Family and Two Family	Min. 40 ft. Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.

Applicant Response: As shown on the tentative plat, the lot dimension standards (width, depth, frontage & area) of Table 511-2 are met.

- (b) *Setbacks.* Setbacks within the RS zone shall be provided as set forth in Table 511-3.

Applicant Response: Setback lines are shown on the tentative site plan and comply with the standards of Table 511-3. The criteria are met.

- (c) *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.

Applicant Response: Lot coverage and building height standards are to be evaluated for compliance with the standards prior to issuance of a building permit. The criterion is met.

- (d) *Maximum square footage for all accessory structures.* In addition to the maximum coverage requirements established in Table 511-4, accessory structures to single family and two family uses shall be limited to the maximum aggregate total square footage set forth in Table 511-5.

Applicant Response: No accessory structures are proposed with this application. The criterion does not apply.

- (e) Garages required.
 - (1) Except as otherwise provided in SRC 700.025 for manufactured homes on individual lots, each dwelling constructed after February 8, 2006, within the RS zone shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to, or detached from, the dwelling. Nothing in this subsection shall prevent subsequent removal or conversion of the garage, so long as the minimum number of required off-street parking spaces is maintained.
 - (2) Exception to this standard may be made if, at the time of building permit review, the applicant can show that the construction of the dwelling is being provided by a not-for-profit organization to families at or below the City's 60 percent median income level, as defined by the U.S. Department of Housing and Urban Development; and provision is made for a minimum of 480 cubic feet of on-site storage within a portion of the dwelling unit, or within a detached accessory structure. Such exemption shall only be made for those dwellings built on lots created through a subdivision.

Applicant Response: Garages are proposed with the single-family home development and compliance with these standards is to be evaluated prior to issuance of a building permit. The criteria are met.

However, the requirement in subsection (e)(1) for a garage to be constructed of “like materials and color as the dwelling” is subjective and allows for discretion. As such, it is not clear and objective and cannot be applied to this Application.

- (f) *Development standards for continued uses.* Buildings 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 following standards:
 - (1) The altered, enlarged, or rebuilt building or structure shall conform to development standards set forth in this chapter, and to all other applicable provisions of the UDC.
 - (2) Any building or structure altered or enlarged shall not exceed the square footage and height of the original building or structure by more than 20 percent.
 - (3) Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure, or in compliance with the setbacks set forth in Table 511-3. The square footage and height of the rebuilt building or structure shall not exceed the square footage

and height of the original building or structure by more than 20 percent.

Applicant Response: The existing farmhouse and associated accessory structures are proposed to be preserved on a 3.64 ac parcel. A future development plan has been shown over this area indicated how this parcel could be developed consistent to the adjacent area. No other existing uses are proposed to remain or be altered with this application. The criteria are met.

However, subsection (f)(1) includes a requirement to “conform to development standards set forth in this chapter, and to other applicable provisions of the UDC.” Without specific inclusion of which standards and provisions are applicable, this requirement is subjective and allows for discretion. As such, it cannot be applied to this Application.

SECTION 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.

Sec. 800.005. - Applicability.

The standards set forth in this chapter apply to all development in every zone unless otherwise exempted by the UDC. In the event of a conflict between the standards set forth in this chapter and any other provision of the UDC, the more restrictive provision shall apply.

Sec. 800.010. - Definitions.

Unless the context otherwise specifically requires, as used in this chapter, the terms identified in this section shall have the following meanings. Where a term used under SRC 800.055 (Solid Waste Service Areas) is not defined in this section, the definitions under SRC chapters 47 (Solid Waste Management) and 50 (Property Maintenance) shall apply.

Compactor means any self-contained, power-driven, mechanical equipment designed for the containment and compaction of solid waste or recyclable materials.

Drop box means a single container designed for the storage and collection of large volumes of solid waste or recyclable materials, which is usually ten cubic yards or larger in size, and requires a special vehicle for pick up.

Enclosure means a structure built consistent with the State of Oregon Structural Specialty Code designed to provide screening for permanent compactors, receptacles, drop boxes, or any other solid waste, recycling, and compostable containment facilities.

Receptacle means any vessel approved by the Director and used for the storage of solid waste, recycling, and compostable material, excluding drop boxes and compactors.

Solid waste service area means an area designed and established for the purpose of satisfying the local collection franchise service requirements for servicing receptacles, drop boxes, and compactors singularly or collectively.

Sec. 800.015. - Lot standards, generally.

- (a) Buildings to be on a lot. Every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. 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.
- (b) 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.

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.
- (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).
- (c) *Side lot line.* A side lot line is any lot line which is not a front or rear lot line.

Applicant Response: The applicant understands the definitions as they pertain to this application. However, with respect to Sec. 800.010, the definitions and procedure for applying the definitions are not clear and objective to the extent a decision maker is allowed to determine that “context otherwise specifically requires” a different definition. This procedure cannot be applied to this Application. Moreover, the definition of “drop box” includes subjective terms such as “large volumes” and “usually” and “special vehicle”; and the definition of “enclosure” includes subjective terms such as “consistent with” – these are not clear and objective.

Sec. 800.025. – Flag Lots.

- (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.
- (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 lots (Residential zoned property)	150 ft. ⁽¹⁾	Min. 20 ft.	Min. 15 ft.
<u>Limitations and Qualifications</u>			
⁽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.			

Applicant Response: This application includes one flag lot (proposed lot 66). The area of lot 66 (excluding the flag accessway) is approx. ±5,100 sq ft. The proposed accessway width is 20 feet and a minimum of 15 feet is proposed to be paved as shown on the tentative plan. The proposed grade of the flag accessway is approx. 3% and intersects 12th Street SE at a

90-degree angle. The flag accessway is also proposed to be paved, only serve one lot and is shown to comply with the standards of Table 800-1. The criteria are met.

With respect to Sec. 800.025(a) – (c), the requirement that a lot “conform to” or “be in conformance with” certain standards is not clear and objective. Further, Table 800-1 includes in the “limitations and qualifications” the subjective term “impractical” and allow for discretion by the Planning Administrator and the Fire Marshal. Sections 800.025(c)(3)(A) – (B) also include the subjective term “impractical” and allow for discretion by the Planning Administrator and the Fire Marshal. As such, those limitations and qualifications are not clear and objective and cannot be applied.

- (1) *Maximum number of lots served by flag lot accessway.* A maximum of four lots may be served by a flag lot accessway.
- (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.

Applicant Response: This application only proposes one flag lot and the flag accessway provides access to one lot. The proposed grade for the flag accessway is approx. 3% and the length of the accessway is less than 150 feet in length. The criteria are met.

However, subsections (3)(A) and (3)(B) include the subjective term “impractical,” which allows for discretion by the Fire Marshal. As such, these standards are not clear and objective and cannot be applied to the Application.

- (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.

- (e) *Maximum percentage of flags lots within a subdivision.* Within a subdivision, up to 15 percent of the lots may be flag lots.

Applicant Response: This application includes a subdivision proposal of 138 lots with only one proposed to be a flag lot, which is below the 15 percent threshold. No parking is proposed within the flag accessway. The criteria are met.

However, the phrase “in accordance with,” in subsection (d) above, is not clear and objective, and cannot be applied to this Application.

Sec. 800.035. - Setbacks.

- (a) *Setbacks to be unobstructed.* Except as otherwise provided under subsection (b) of this section, required setbacks shall be unobstructed.
- (b) *Permitted projections into required setbacks.* Permitted projections into required setbacks are set forth in Table 800-2.

TABLE 800-2. PERMITTED PROJECTIONS INTO REQUIRED SETBACKS			
Type of Projection	Maximum Projection		
	Front Abutting Street; Side Abutting Street; Interior Front	Interior Side	Rear Abutting Street; Interior Rear ⁽¹⁾
Planter boxes; window bays; greenhouse windows; chimneys; flues; belt courses; leaders; sills; pilasters; lintels; solar collectors; and ornamental features	24 in.	24 in.	24 in.
Cornices; eaves; and gutters	24 in.	One-third the width of the interior side setback or 3 ft., whichever is less.	24 in.
Fire Escapes	Not Allowed	One-third the width of the interior side setback or 3 ft., whichever is less.	24 in.
Steps	Not Limited	One-third the width of the interior side setback or 3 ft., whichever is less.	24 in.
Wheelchair Ramps	Not limited, provided: (1) The floor area does not exceed 4 ft. above grade; and (2) In no case shall the wheelchair ramp come closer than 10 ft. to the property line.	Not limited, provided the floor area does not exceed 3 ft. above grade	Not limited, provided the floor area does not exceed 4 ft. above grade.
Porches and decks- covered, but unenclosed	Not limited, provided: (1) The structure covering the porch or deck does not exceed 15 ft. above grade; (2) The floor area of the porch or deck does not exceed 4 ft. above grade; and (3) In no case shall the covered	Not allowed	Not limited, provided: (1) The structure covering the porch or deck does not exceed 15 ft. above grade; (2) The floor area of the porch or deck does not exceed 4 ft. above grade; and

	porch or deck come closer than 10 ft. to the property line.		(3) In no case shall the covered porch or deck come closer than 8 ft. to the rear property line.
Patios – Covered, but enclosed	Not limited, provided: (1) The structure covering the patio does not exceed 15 ft. above grade; (2) The floor area of the patio does not exceed 4 ft. above grade; and (3) In no case shall the covered patio come closer than 10 ft. to the property line.	Not allowed	Not limited, provided: (1) The structure covering the patio does not exceed 15 ft. above grade; (2) The floor area of the patio does not exceed 4 ft. above grade; and (3) In no case shall the covered patio come closer than 8 ft. to the rear property line.
Patios – Uncovered	Not limited, provided: (1) The floor area of the patio does not exceed 3 ft. above grade; and (2) A landscaped area 4 ft. in depth is maintained between the property line and the patio.	Not limited, provided the floor area of the patio does not exceed 3 ft. above grade.	Not limited, provided the floor area of the patio does not exceed 4 ft. above grade.
Balconies; outside stairways; and other unenclosed, unroofed projections	Not allowed	Not allowed	5 ft., provided in no case shall such projection come closer than 6 ft. to any property line.
<p>Limitations and Qualifications</p> <p>⁽⁴⁾ No permitted projection into a rear setback shall extend to within 10 ft. of the centerline of an alley, or to within 6 ft. of an accessory structure.</p>			

Applicant Response: Setback lines have been indicated on the preliminary plan and all homes will be evaluated for compliance with the standards of Table 800-2 prior to issuance of any building permits.

- (c) Zone-to-zone setbacks abutting property outside City limits or urban growth boundary.
 - (1) *Property located outside city limits.* Where a zone-to-zone setback is required abutting a property located outside the City limits, the abutting zone for purposes of determining the required zone-to-zone setback shall be the equivalent City zone identified under SRC Chapter 260, Table 260-1, based on the comprehensive plan designation for the property and its zoning in the county.

- (2) *Property located outside UGB.* Where a zone-to-zone setback is required abutting a property located outside the urban growth boundary (UGB), the abutting zone for purposes of determining the required zone-to-zone setback shall be considered a residential zone.
- (d) Setbacks abutting an interstate freeway, railroad right-of-way, or alley.
 - (1) The required setback abutting an interstate freeway, railroad right-of-way, or alley shall be considered either an interior front setback, an interior side setback, or an interior rear setback depending upon the dimensions and configuration of the lot.
 - (2) Where the required interior front, interior side, or interior rear setback abutting an interstate freeway or railroad right-of-way is a zone-to-zone setback, the minimum required in interior front, interior side, or interior rear setback shall be five feet in-lieu of the zone-to-zone setback.

Applicant Response: The subject property is within the city limits and is not abutting property with a county zoning designation. The subject property is also not directly adjacent to an interstate freeway, railroad right-of-way or alley. The above criteria do not apply.

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.
- (b) *Setback distance required; how measured.* The special setback shall equal one-half of the right-of-way width specified in the Salem Transportation System Plan for the street's applicable classification. Special setbacks shall be measured at right angles to the centerline of the street, or, where there is no street, from the centerline of the right-of-way. Where the centerline is not designated, the Director shall designate the location of the centerline.
- (c) *Relationship to other required setbacks.* The special setback shall apply in addition to other setbacks required under the UDC. Setbacks required elsewhere under the UDC shall be measured from the special setback line.
- (d) *Permitted structures and paving within special setbacks.* The following structures and paving are permitted within a special setback with a removal agreement as set forth in subsection (e) of this section:
 - (1) Transit stop shelters.
 - (2) Signs and their supporting members.
 - (3) Fences.
 - (4) Off-street parking, other than minimum required off-street parking, provided such parking is developed in conformance with the setback and landscaping requirements set forth in SRC chapter 806.

Applicant Response: No special setbacks are requested with this application. All setback requirements of the underlying zoning designation are shown on the tentative site plan. This application does not include the placement of a transit stop shelter, signs, or additional off-street parking above the minimum requirement for each single-family home. Fencing is proposed to be installed during the time of construction of the homes. The above criteria are met.

However, Sec. 800.040(a) includes the subjective term “better”; as such, this standard is not clear and objective and cannot be applied.

Moreover, Sec. 800.040(b) improperly incorporates the TSP because it does not identify specific sections applicable to the standard. As such, it cannot be applied to the Application. Sec. 800.040(b) is also not clear and objective because it allows the Director to use discretion to designate location of centerline in certain situations. For this additional reason it cannot be applied to the Application.

Sec. 800.040(c) is not clear and objective due to the vague, general reference to “other setbacks required under the UDC.”

- (e) *Removal agreement.* Where structures or paving, as permitted under subsection (d) of this section, are proposed to be placed within a special setback, a removal agreement shall be required as provided in this subsection.
 - (1) The removal agreement shall be entered into by:
 - (A) The owner of the property and the local transit operator, for transit stop shelters located within a special setback. The local transit operator shall have the obligation to remove the shelter when required.
 - (B) The owner of the property and/or owner of the sign, for signs and their supporting members located within a special setback.
 - (C) The owner of the property, for fences and off-street parking, other than minimum required off-street parking, located within a special setback.
 - (2) The removal agreement shall be in a form approved by the City Attorney and shall provide that:
 - (A) Within six months after notice by the City, any structure, paving, or portion thereof that extends into the special setback shall be completely removed at no expense to the City;
 - (B) Where off-street parking set forth in subsection (d) of this section is removed, any remaining portion of the parking area located outside of the special setback shall be brought into conformance with the setback and landscaping requirements set forth in SRC chapter 806 at no expense to the City;

- (C) If the owner or transit operator fails or refuses to make the removal, or fails or refuses to make required improvements to any remaining portion of the parking area located outside of the special setback, the City may cause the removal, or the required parking area improvement, to be made, and the costs incurred shall:
 - (i) Be a lien against the property if the removal agreement was entered into by the owner of the property, which may be foreclosed in the manner provided by law;
 - (ii) Be the obligation of the transit operator if the removal agreement was entered by the owner and the local transit operator, and that, in the event an action must be brought to enforce the obligation, that the City shall be entitled to its attorney's fees and costs incurred in enforcing the obligation.
 - (D) The property owner, sign owner, or transit operator shall not be entitled to damages or compensation as the result of City's exercise of its rights under the removal agreement; provided, however, the property owner shall retain his or her right to just compensation for the unimproved value of any land taken for the widening of the street.
- (3) The removal agreement shall be recorded with the county in which the property is located. Notice to remove any structure, paving, or portion thereof shall not be given until the City or the State proceeds with a project to widen the street in front of the property.

Applicant Response: This application does not include the placement of any structures within identified special setbacks, and therefore no removal agreement is included with this application. The above criteria do not apply.

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.
- (b) *Height exceptions.* Except as otherwise provided in this subsection, the following height exceptions are permitted under the UDC:
 - (1) Towers, steeples, chimneys, wind-driven electrical generating equipment, flag poles, and monuments may project above the maximum height limits set forth in the UDC, provided:
 - (A) They do not exceed 185 feet in height;
 - (B) They do not contain any habitable space;
 - (C) The horizontal section of the structure does not exceed 625 square feet at the top of the main building or structure; and

- (D) The sum of the horizontal section of all such projections measured at the maximum height limit applicable to the building or structure on which they are located does not exceed 20 percent of the horizontal area of the roof of the building or structure on which they are located.

Applicant Response: This application is for residential land division (subdivision). Single-family structures will be reviewed for compliance with height standards at the time a building permit is submitted. Sec. 800.045(b)(1)(B), however, cannot be applied to the Application because it includes the subjective term “habitable space,” which is undefined.

- (2) Radio, television, and microwave antennas, and structures used exclusively for their support, are exempt from all height limitations.
- (3) Mechanical equipment necessary for the operation or maintenance of a building or structure, including, but not limited to, ventilators, plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar energy, and window washing equipment, together with enclosures for any such equipment, may project above the maximum height limits set forth in the UDC, provided:
 - (A) They do not project more than 15 feet above the roof;
 - (B) They do not contain any habitable space;
 - (C) The sum of the horizontal section of all such projections measured at the maximum height limit applicable to the building or structure on which they are located does not exceed 60 percent of the horizontal area of the roof of the building or structure on which they are located;
- (4) Relationship to FAA Part 77 Surfaces. Notwithstanding subsections (b)(1) through (3) of this section, nothing in this subsection shall authorize the projection of a building or structure into an FAA Part 77 surface established under SRC chapter 602.
- (c) *Height of structures within 165 feet of capitol mall district.* Except as provided under subsection (b) of this section, no portion of a building or structure located outside of, but within 165 feet of, the external boundary of the Capitol Mall (PM) Zone shall exceed a height of 70 feet.

Applicant Response: No exempt equipment described in the above criteria are included with this application. No mechanical equipment (water tanks, cooling towers, vent stacks, ventilators) as described above are included with his application. The subject property is not within 165 feet of the capitol mall district. The above criteria do not apply.

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.

Applicant Response: Fences are proposed to be installed during the time of the home construction and will be evaluated for compliance with height standards at that time. Retaining walls are proposed in the rear of steeply graded lots, but not to exceed the maximum height requirements. An additional retaining wall is proposed along the east side of 12th Street due to the steep slope and required $\frac{3}{4}$ right-of-way improvements. The 12th Street retaining wall is proposed to be within the right-of-way and not in the required front yard of the proposed lots. Within the northwest open space tract, there are additional retaining walls proposed to be constructed as part of the required stormwater facilities, per City of Salem Public Works Design Standards. In order to meet the treatment, flow control, and detention requirements for stormwater, as outlined in the Public Works Design Standards, retaining walls ranging from two to eight feet in height are required. The criteria are met.

- (B) Nonresidential zones. Except for fences and walls on property used for uses falling under household living, fences and walls within nonresidential zones shall not exceed a maximum height of 12 feet; provided, however:

- (i) Front, side, and rear yards abutting street. Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within ten feet of a property line abutting a street; provided, however, 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.

Applicant Response: The subject site is located within split residential zoning designations. The western edge of the subject site is zoned Single-Family Residential (RS), and most of the subject site is zoned Residential Agriculture (RA). The standards for nonresidential zones do not apply to this application.

- (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.
 - (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.
 - (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.
- (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.

Applicant Response: This application is for land division for a single-family home subdivision. The landscaping associated with this application are limited to tree planting for street trees and tree mitigation. Additional landscaping such as the planting of hedges is proposed to occur at the time of construction of the single-family homes. No gates are proposed with this subdivision. Fencing is proposed to be installed at the time of construction of each single-family home and will be evaluated for compliance with height standards at that time. A retaining wall is proposed along the east side of 12th Street due to the steep slope and required $\frac{3}{4}$ right-of-way improvements. Vision clearance provisions are met because no walls, fences, or hedges are proposed in clear vision areas. The criteria are met.

However, sections 800.050(a)(3) and 800.050(b) include a subjective requirement to “conform to” certain requirements; these standards are thus not clear and objective and cannot be applied to the Application.

- (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 chain link 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.

Applicant Response: This application is for land division for a residential subdivision. Fencing is proposed to be installed at the time of construction of each single-family home and will be evaluated for compliance with height standards at that time. A retaining wall is proposed along the east side of 12th Street due to the steep slope and required $\frac{3}{4}$ right-of-way improvements. Additional retaining walls are proposed in the northwest open space tract for the purposes of constructing the stormwater management facility and the Mandy Avenue SE extension. Retaining walls less than four feet in height are proposed to be keystone block walls and any retaining walls exceeding four feet in height are proposed to be concrete or UltraBlock (larger modular block walls) The criteria are met.

However, Section 800.050(c) is not clear and objective because the requirements for both fences and walls include the subjective phrase “including, but not limited to,” which allows for discretion. They cannot be applied to this Application.

(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:

- (1) *Concertina wire.* Concertina wire is permitted around state and county correctional facilities and secure mental health facilities.
- (2) *Barbed wire and upturned barbed selvage.*
 - (A) Location. Barbed wire and upturned barbed selvage is permitted within the following locations:

- (i) Any zone where the fence will be used to enclose livestock; and
 - (ii) The Retail Commercial (CR) and General Commercial (CG) Zones, and any industrial or public zone.
- (B) *Standards.* Where allowed as set forth this subsection, barbed wire or upturned barbed selvage shall comply with the following additional standards:
- (i) *Enclosure of livestock.* Fences with barbed wire or upturned barbed selvage enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
 - (ii) *CR and CG zones; industrial and public zones.* Fences with barbed wire or upturned barbed selvage located within a Retail Commercial (CR) or General Commercial (CG) Zone, or within an industrial or public zone, shall comply with the following:
 - (aa) The barbed wire or upturned barbed selvage shall be located more than six feet above grade;
 - (bb) The barbed wire or upturned barbed selvage shall be setback a minimum of one foot from the public right-of-way, when designed to slant towards the public right-of-way;
 - (cc) The barbed wire or upturned barbed selvage shall not extend over a street or alley; and
 - (dd) The fence shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.

Applicant Response: This application includes a proposal for a single-family home subdivision. No concertina wire or barbed wire or otherwise hazardous fencing and/or wall materials are proposed with this application. Residential privacy fencing is proposed to be installed at the time of the home construction on each lot. The above criteria, to the extent they apply, are met.

- (3) Electric fencing.
 - (A) *Location.* Electric fencing is permitted within the following locations:
 - (i) Any zone where the fence will be used to enclose livestock; and
 - (ii) Around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone.

- (B) *Standards.* Where allowed as set forth in this subsection, electric fencing shall comply with the following additional standards:
- (i) *Enclosure of livestock.* Electric fencing enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
 - (ii) *Outdoor storage areas for nonresidential uses within the CG Zone and industrial zones.* Electric fencing around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone shall comply with the following:
 - (aa) The fence shall not exceed ten feet in height and shall be completely surrounded by a non-electric fence or wall a minimum of six feet in height.
 - (bb) A minimum one-foot separation shall be maintained between the electric fence and the surrounding non-electric fence or wall.
 - (cc) An electrical permit and inspection shall be obtained prior to installation.
 - (dd) The electric fence shall be listed by a testing laboratory approved by the State, and shall be installed and used in accordance with the testing laboratory listing.
 - (ee) The fence shall be clearly posted with warning signs in English and Spanish notifying persons of a dangerous fence. The signs shall include the statement, "DANGER - ELECTRIC FENCE," or an equivalent, together with a pictorial warning. The signs shall be posted at an interval of not more than 60 feet.
 - (ff) Emergency access. Fire department access shall be provided in accordance with the Salem Fire Prevention Code. An approved method to manually disconnect electrical power to all portions of the fence and gates shall be provided at an exterior location. The method and location of the electrical disconnect shall be approved by the Salem Fire Code Official.

Applicant Response: No electric fencing is included with this application. The criteria do not apply.

- (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.

Applicant Response: All fencing and retaining wall maintenance associated with this single-family residential subdivision will be the responsibility of the property owner or established Homeowners Association (HOA). Only wood or metal fencing will be installed, and no electric fencing is included. Retaining wall materials are proposed to be low maintenance block walls or cast in place concrete walls. The criterion is met.

However, the terms “safe condition,” “protected from,” and “in conformance with” are subjective and allow for discretion. This standard or any condition of approval requiring compliance cannot be applied to the Application.

Sec. 800.055. - Solid waste service areas.

Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.

- (a) Applicability. Solid waste service area design standards shall apply to:
 - (1) All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and
 - (2) Any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.
- (b) *Solid waste receptacle placement standards.* All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
 - (1) *Pad area.* In determining the total concrete pad area for any solid waste service area:
 - (A) The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and
 - (B) The pad area shall extend a minimum three feet beyond the front of the receptacle.
 - (C) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.
 - (2) Minimum separation.
 - (A) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.

- (B) A minimum separation of five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.
- (3) Vertical clearance.
 - (A) *Receptacles two cubic yards or less.* Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.
 - (B) *Receptacles greater than two cubic yards.* Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:
 - (i) For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or
 - (ii) Where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).

Applicant Response: Each single-family home will have individual solid waste receptacles rather than one general location for the entire subdivision community. Each dwelling unit's waste receptacles will be appropriately sized for the need of each home. No solid waste pad or enclosure are proposed with this application. The above criteria do not apply.

- (f) Solid waste service area vehicle access.
 - (1) Vehicle operation area.
 - (A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.
 - (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
 - (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);

- (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
 - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.
- (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
 - (D) Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
 - (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

Applicant Response: Each home within this proposed subdivision is proposed to have roll-away carts for individual solid waste disposal. No central solid waste area is proposed with this application and as such these criteria do not apply.

However, to the extent they are deemed applicable to this application, subsection (f)(1)(B)(iii) includes the phrase “safely maneuvered”; subsection (f)(1)(C) includes the term “normal”; and subsection (f)(1)(E) includes the phrase “safe and convenient access”; all of which are subjective. These standards thus cannot be applied to the Application.

- (g) *Notice to solid waste collection franchisee.* Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required under this subsection shall be in addition to the notification required for a variance or adjustment under SRC chapter 300.

Applicant Response: The applicant understands that notice will be provided to the local solid waste collection franchisee if an application to vary or adjust the standards in this section is submitted. The applicant does not propose any variance or adjustments to the standards set forth in this section.

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.

Applicant Response: Exterior lighting on each single-family home shall be evaluated at the time of construction and not as part of this application. The criteria do not apply.

Sec. 800.065. - Pedestrian access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

- (a) *Pedestrian connections required.* The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:
 - (1) Connection between building entrances and streets.
 - (A) A pedestrian connection shall be provided between the primary building entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street (see Figure 800-11).
 - (B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-12).
 - (2) *Connection between buildings on the same development site.* Where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.

Applicant Response: Sidewalks are shown on both sides of all dedicated public right-of-way associated with this subdivision. Each proposed residential lot has direct access onto the public right-of-way and the associated sidewalk. A pedestrian trail is indicated on the tentative plat extending from Hillrose Street SE to 12th Street SE. There are no transit stops within the proposed subdivision or adjacent to the subject site. The criteria are met.

However, the requirement of Sec. 800.065 that the pedestrian circulation system be developed “in conformance with the standards in this section” is subjective because it

allows for discretion. As such, this is not clear and objective, and this section cannot be applied to the Application.

- (3) *Connection through off-street parking areas.*
 - (A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance or where there is no building, through the parking area as provided in this subsection.
 - (i) The pedestrian connections shall be:
 - (aa) Provided in a minimum amount of either one connection for every four drive aisles or one connection for every 250 feet (See Figure 800-13); provided, however, in no case shall less than one pedestrian connection be provided. Where the pedestrian connection requirements of this subsection result in a fractional number, any fractional number greater than 0.5 shall be round up to require an additional pedestrian connection;
 - (bb) Spaced a minimum of two drive aisles apart; and
 - (cc) Connected to a pedestrian connection, or pedestrian connections, that lead to the primary building entrance. Where there is no building, the pedestrian connections shall connect to the street either at the sidewalk or at the public street right-of-way when there is no sidewalk.

Applicant Response: Each residential lot proposed in this application is large enough to accommodate a driveway and garage for the purposes of off-street parking. No surface parking greater than 25,000 square feet or associated drive aisles are proposed with this application. The criteria do not apply.

- (ii) Where the off-street surface parking area is adjacent to a street that is a transit route and there is an existing or planned transit stop along the street frontage of the development site, at least one of the required pedestrian

- connections shall connect to the street within 20 feet of the transit stop.
- (iii) A pedestrian connection provided between a primary building entrance and a street may be counted as a required connection through an off-street surface parking area.
 - (iv) Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet. For purposes of this subsection, parking area depth is measured through the parking area from its outside edge towards the building.
 - (v) For purposes of this subsection, off-street surface parking area means:
 - (aa) An off-street surface parking area that is separated from other off-street surface parking areas on the development site by either a driveway, which begins at the street and extends into the site, or other physical separation; or
 - (bb) An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.
- (B) Parking structures and parking garages. Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

Applicant Response: Each residential lot proposed in this application is large enough to accommodate a driveway and garage for the purposes of off-street parking. No parking structures/garages or surface parking for transit stops are proposed with this application. The streets, both internal and external, associated with this application are not proposed to be transit routes, and therefore the residential off-street parking on each lot does not require formal pedestrian connections to a transit stop. Pedestrian paths are shown on the submitted site plan but are for the purposes of general circulation and not associated with a

transit route or surface parking. All proposed off-street parking is to be within a residential driveway or garage and the average lot depth is 100 feet. No surface parking greater than 25,000 square feet or associated drive aisles are proposed with this application. To the extent these criteria apply, the criteria are met.

- (4) *Connection to existing or planned paths and trails.* Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:
 - (A) Be constructed, and a public access easement or dedication provided; or
 - (B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

Applicant Response: Newer residential developments adjacent to the subject site have sidewalks that are shown to be extended through this proposed subdivision. No additional paths or trails are identified in the Salem Transportation System Plan (TSP) for this site. This application includes a proposed trail east to west from Hillrose Street between lots 12 and 13, through an open space tract near the center of the property and connects with the sidewalk on McCollum Street. Ownership and maintenance of the trail and open space tract is proposed to be the responsibility of the HOA. The criteria are met.

However, this standard cannot be applied because it does not comply with the limited land use application requirements of properly incorporating the TSP or Parks System Master Plan – the references to those Plans are general and do not specify which sections apply.

- (5) *Connection to abutting properties.* Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:
 - (A) To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC Chapter 400:
 - Single family;
 - (ii) Two family;
 - (iii) Group living;
 - (iv) Industrial;
 - (v) Infrastructure and utilities; and
 - (vi) Natural resources.
 - (B) Where the use of an abutting property has specific security needs that make providing a connection impractical or undesirable;

- (C) Where on-site activities on abutting properties, such as the operation of trucks, forklifts, and other equipment and machinery would present safety conflicts with pedestrians;
- (D) Where buildings or other improvements on abutting properties physically preclude a connection now or in the future; or
- (E) Where physical conditions of the land, such as topography or existing natural resource areas, including, but not limited to, wetlands, ponds, lakes, streams, or rivers, make providing a connection impractical.

Applicant Response: This application includes land division for a single-family residential development. Hilfiker Lane SE is proposed to be extended diagonally through the subject site to intersect with Hillrose Street SE. In addition to the internal circulation, two additional proposed roads intersect external streets near adjacent residential developments. Mandy Avenue SE is stubbed to the northern property line of the subject property and proposed to be extended into this proposed subdivision. A pedestrian trail is also shown on the tentative plan to traverse through the subject site in an area where topography and other factors limit the construction of a public street. The criteria are met.

However, subsection (5)(B) above includes the terms “specific security needs,” “impractical,” and “undesirable”; subsection (5)(C) includes the term “safety conflicts”; and subsection (5)(D) requires knowledge of when a building or improvement may preclude a connection in the future, which cannot be determined now; all of which are subjective and allow for discretion. As such, these subsections cannot be applied to the Application.

- (b) *Design and materials.* Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.
 - (1) Walkways shall conform to the following:
 - (A) Material and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and shall be a minimum of five feet in width.
 - (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
 - (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the

auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

- (2) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.
- (c) *Lighting.* The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

Applicant Response: Sidewalks are shown on the preliminary plat along all new public streets and along the frontage on existing streets. Also shown on the preliminary plat is a pedestrian trail connection from the far east side of the subdivision along Hillrose Street, through an open space tract, intersects with Hilfiker Lane and then extends over to 12th Street. All sidewalks proposed with this application are shown to be paved with a hard surface and differentiated from the street using elevation changes above the travel lane. This differentiation also complies with the wheel stop standard as the sidewalk is a minimum of four inches in height. A lighting plan has been included with this application to demonstrate compliance with the above criteria. The criteria are met.

However, subsection (b)(1) includes the requirement to “conform to the following” criteria listed below it; and subsection (b)(1)(A) does not specify which Public Works Design Standards apply. These are subjective standards and thus not clear and objective. They cannot be applied to the Application.

Moreover, subsection (c) includes the subjective phrase “to a level where the system can be used at night” is subjective; this is not clear and objective. This standard also cannot be applied to the Application.

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.

Sec. 802.005 – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City utilities means public improvements providing water, wastewater, and stormwater facilities.

Public improvements means infrastructure necessary to provide city utilities to customers.

Public utilities means privately owned improvements providing the following services: natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television.

Public Works Design Standards means the design standards and specifications adopted pursuant to SRC 802.010.

Utility or utilities means water; wastewater; stormwater facilities; natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television.

Watercourse means the route, up to and including the top of bank, formed by natural processes or constructed by humans, generally consisting of a channel with a bed, banks, or sides, in which water flows. By way of illustration, but not of limitation, as used in this chapter, watercourse includes perennial and intermittent streams and creeks, swales, drainage ditches, and culverts. As used in this chapter, watercourse does not include the Willamette River.

Applicant Response: The applicant understands the definitions as they pertain to this application.

However, to the extent a decision maker determines that “context clearly indicates a different meaning,” “clearly indicates” is subjective, and thus, the definitions are not clear and objective.

Sec. 802.010. - Design standards and specifications.

The Director shall prepare and adopt by administrative rule design standards and specifications consistent with sound engineering principles for the construction, reconstruction, or repair of public improvements within areas under the City's jurisdiction. The design standards and specifications shall be kept on file in the office of the Director. All public improvements shall conform to the adopted design standards and specifications, and with any other adopted plans and policies adopted by the City.

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.

Applicant Response: A utility plan was included with this application and will be reviewed for compliance with the Public Works Design Standards prior to a City issued Decision on this application.

However, in Sec. 802.010, the phrase “sound engineering principles” is subjective, and the phrase “conform to” is vague and subjective. This section is not clear and objective and cannot be applied to this Application.

Further, in Sec. 802.015, the phrase “all applicable provisions” is not clear and objective; and the reference to the “Salem Revised Code” and “Public Works Design Standards” is

vague without reference to specific sections. This is not clear and objective and thus cannot be applied to the Application.

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.

Applicant Response: Public utilities have been located within the public right-of-way proposed within and adjacent to the subject property. No additional easements are proposed with this application. The criterion is met.

However, the phrases “may be required” and “where possible” leave room for discretion; and the word “necessary” is subjective. This criterion is not clear and objective and cannot be applied to the Application.

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.

Applicant Response: All new public utilities proposed with this application are to be located underground. There are no existing overhead powerlines on the subject property and no new overhead powerlines are proposed with this application. Stormwater management lines are below ground but the water quality facility is located above ground. The criteria are met.

However, subsection (a) above is not clear and objective on its face because it does not explain “as otherwise provided” or refer to specific sections where this requirement is different. As such, it cannot be applied to the Application.

Sec. 802.030. - Watercourses.

- (a) Any modification to a watercourse shall conform to SRC chapter 601 and the Public Works Design Standards.
- (b) Public improvement and maintenance easements for watercourses may be required. The easements shall, at a minimum, extend 15 feet in each direction from the waterway centerline, ten feet from the top of a recognizable bank, or a sufficient width to pass ten-year flood flows or to accommodate the 100-year floodway on a FEMA regulated stream, whichever is greater. Such

easements shall be of a width sufficient to allow both initial improvements and future maintenance and operations. Larger widths may be required.

Applicant Response: The subject site is identified within Zone X on the FEMA Flood Insurance Rate Map which is not a regulated floodplain. The subject site has a small creek in the northwest corner which is identified in a large open space tract. No modification to the watercourse is proposed with this application. The above criteria are met.

However, in subsection (a) the phrase “conform to” is not clear and objective; nor is the reference to “Public Works Design Standards” without more information. And in subsection (b), the phrases “may be required” and “a sufficient width,” and the word “accommodate” leave room for discretion and/or are subjective. These standards are not clear and objective and thus cannot be applied to the Application.

Sec. 802.035. - Partitions in areas unserved by city wastewater system.

A partition located more than 300 feet from an available sewer may be approved if the applicable requirements for partitions located more than 300 feet from an available sewer contained within SRC chapter 205 are met.

Applicant Response: This application includes an application for a single-family subdivision and City wastewater lines are available to serve the property. This criterion does not apply.

Sec. 802.040. - Private stormwater, wastewater, and water systems.

A private stormwater, wastewater, or water system may be approved by the Director if each of the following conditions are met:

- (a) City utilities necessary to serve adjacent properties and to provide needed links in the overall collection and distribution system are provided.
- (b) If the system is a water system:
 - (1) The water system conforms to the water distribution standards of the City;
 - (2) Except as authorized by state law, water from the system is not sub-metered or resold to other parties;
 - (3) Each building under separate ownership has a separate water meter; and
 - (4) The properties served are located within a commercial or an industrial and employment zone.
- (c) If the system serves multiple properties under separate ownership:
 - (1) If the system is a wastewater system, the properties served are located within a commercial or an industrial and employment zone, and each building under separate ownership must have a separate wastewater monitoring manhole. Exceptions to the requirement for monitoring manholes may be granted by the Director if the owner of the system shows that no proposed use has any likelihood of

discharging hazardous or illegal materials into the City's wastewater system.

- (2) An agreement is executed by the utility owner and the owner of the property served by the system. The agreement shall be recorded in the deed records of the applicable county and provide that:
 - (A) The system serving the property is private;
 - (B) The City has no responsibility to maintain the system;
 - (C) The system will not be accepted by the City unless the system was constructed in a manner that conforms to the Public Works Design Standards;
 - (D) A perpetual right of access to read and maintain the meters and inspect the system is granted to the City; and
 - (E) Persons served by the system assume responsibility for any repairs required for the City.

Applicant Response: All utilities proposed with this application are public. The above criteria do not apply.

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.

Applicant Response: All roads proposed with this application include adequate right-of-way widths, geometry, pavement, curbing, and sidewalks where possible. A street plan is included with this application to address the criterion above. No turnarounds are included with this application as adequate circulation is proposed. The criterion is met.

However, the word “adequate” is not clear and objective because it allows for discretion by the review authority. The phrase “conforms to” is not clear and objective and requiring conformance to the “Public Works Design Standards” is subjective and does not provide information on which standards are applicable. As such, this standard cannot be applied to the Application.

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.
- (b) *Applicability.* An applicant shall provide a traffic impact analysis if one of the following conditions exists:
 - (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the

- adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.
- (2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.
 - (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.
- (c) *Improvements may be required.* On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.
- (d) *Exception.* An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.

Applicant Response: A traffic impact analysis prepared by Kittelson and Associates has been included with this application to satisfy the above criteria. Right-of-way improvements are proposed in conformance with the recommendations included in the traffic impact analysis and otherwise required by the City of Salem Public Works Design Standards. The criteria are met.

However, subsection (a) includes the phrase “significant amount of traffic,” which is undefined and allows for discretion. As such, it is not clear and objective, and cannot be applied to this Application.

Subsection (b)(2) is not clear and objective because it does not define what “increased” means; it also does not explain how “pedestrian and/or bicyclist safety” is measured or at what point it becomes a “concern.” As such, this standard cannot be applied to the Application.

Subsection (c) is not clear and objective because it does not provide an applicant a way of knowing how the review authority will decide whether conditions of development approval will be required. As such, this standard cannot be applied to the Application.

Subsection (d) is discretionary (“if the Director determines . . .”) and as such is not clear and objective and cannot be applied to the Application.

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.

Applicant Response: All streets shown on the tentative plan are to be dedicated public right-of-way and no private streets are included with this subdivision application. The criteria are met.

To the extent any private streets are created, subsection (b)(1) is not clear and objective because it does not provide information on how the listed features (connectivity, size, configuration, etc.) are analyzed or measured in making the decision to require public streets; as such, it cannot be applied to this Application.

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
Parkway	Min. 120 ft	Applicable for up to 4 motor vehicle travel lanes
	Min. 144 ft.	Applicable for greater than 4 motor vehicle travel lanes
Major Arterial	Min. 96 ft.	

Minor Arterial	Min. 72 ft.	
Collector	Min. 60 ft.	
Local Street	Min. 50 ft.	
Cul-de-sac	Min. 50 ft.	Applicable to the stem of the cul-de-sac
	Min. 45 ft. radius	Applicable to the turnaround of the cul-de-sac
Alley	Min. 10 ft.	
	Max. 20 ft.	

- (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
Parkway	Min. 80 ft.	
Major Arterial	Min. 68 ft.	
Minor Arterial	Min. 46 ft.	
Collector	Min. 34 ft.	Applicable to Type A Collector
	Min. 40 ft.	Applicable to Type B Collector
	Min. 34 ft.	Applicable to Type C Collector
Local Street	Min. 30 ft.	
Cul-de-sac	Min. 30 ft.	Applicable to the stem of the cul-de-sac
	Min. 38 ft. radius	Applicable to the turnaround of the cul-de-sac

Applicant Response: The typical right-of-way cross section proposed with this application is 60 feet and includes a sidewalk, planter strip, two travel lanes, and potential for on-street parking (on one side) or a bike lane. Hilfiker Lane is proposed to be extended through the subject site, classified as a Type B Collector, and shown to have a proposed pavement width 40 feet. All other streets proposed with this application are classified as local streets and shown to be a 60-foot right-of-way width (30-foot pavement width). The criteria are 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.

Applicant Response: All right-of-way improvements included with this application are proposed to meet the standards of the Public Works Design Standards. No area within this proposed subdivision is zoned or proposed to be used as commercial or industrial. The criteria are met.

However, subsection (c) is not clear and objective because it does not define or explain how the listed features (steep slopes, soils, water features, etc.) are analyzed or measured in making the determination to require additional ROW, easements, and improvements. As such, it cannot be applied to this Application.

Further, subsection (d) is not clear and objective because it simply states that certain improvements “may be required” without explaining how that determination is made. As such, it cannot be applied to this Application.

Subsection (e) is not clear and objective because it simply states that certain improvements “may be required” without explaining how that determination is made. As such, it cannot be applied to this Application.

Sec. 803.030. - Street spacing

- (a) Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of way line along one axis, and not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.
- (b) Street spacing may be increased where one or more of the following exist:
 - (1) Physical conditions preclude streets meeting the spacing requirements. Physical conditions include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, or a resource protected by state or federal law.
 - (2) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude streets meeting the spacing requirements, considering the potential for redevelopment.
 - (3) An existing public street or streets terminating at the boundary of the development site exceed the spacing requirements, or are situated such that the extension of the street or streets into the development site would create a block length exceeding the spacing requirements. In such cases, the block length shall be as close to the spacing requirements as practicable.

- (4) Strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network, and the proposed street network will accommodate necessary emergency access.

Applicant Response: The street spacing along the majority of streets included with this application (Hilfiker Lane, Walten Way, Mandy Avenue, Drexler Drive, Porter Place, McCollum Street, and Aldridge Avenue) as shown on the tentative plat, meet the SRC 803.030(a) requirements that streets have a maximum 600 feet from right-of-way line to right-of-way line along one axis. The spacing, as shown on the tentative plat, is not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.

However, due to the physical conditions of the area- including topography, existing streets, and the existing farm (which is proposed for preservation) – some street spacing must exceed the maximum spacing requirements, as allowed by SRC 803.030(b)(1). The maximum street spacing proposed, on Ramsay Road (on site), is approximately 746.17 feet. More than the maximum spacing is required on this street specifically because of the preservation of the existing farm, the preservation of a large grove of trees and general topography with intersecting existing streets. To bisect this distance, the applicant has proposed a pedestrian walking path. The street spacing and pedestrian walking path for Ramsay Road are shown on the tentative plat.

In addition, the proposed block along Hillrose Street SE (off site) is approximately 650 feet and is also proposed to be bisected with a walking path. More than the maximum spacing is required on the street specifically because of the intersection spacing in relation to existing streets, due to topography and natural resource protection (tree grove open space). In addition, the block length from the intersection of Hillrose/Aldridge intersection to the pedestrian path is approximately 280 feet; and from the pedestrian path up to Hillrose/Hilfiker intersection, the block length is approximately 470 feet.

Natural features preclude the development of the proposed pedestrian path from becoming right-of-way, due to the amount of significant tree removal to accommodate the required grading for a street. The significant trees are proposed to be preserved and an open space tract including the trees has been proposed as a community asset. In addition to the significant tree preservation, the existing farm and associated accessory structures are proposed to be retained.

Because most street spacing within the proposed subdivision meets the requirements of subsection (a), and because subsection (b)(1) applies as described above, the street spacing criteria are met.

However, subsection (b) includes the word “may,” which allows for discretion, even if one of the conditions listed in (1)-(4) exist. Thus, it is not clear and objective and cannot be applied to this Application.

Subsection (b)(1) does not explain how it is determined that physical conditions preclude meeting the spacing requirements. Thus, it is not clear and objective and cannot be applied to this Application.

Subsection (b)(2) does not explain how it is determined that development physically precludes meeting the spacing requirements. Thus, it is not clear and objective and cannot be applied to this Application.

Subsection (b)(3) includes the phrase “as close to the spacing requirements as practicable,” which allows for discretion; this is not clear and objective. This standard cannot be applied to the Application.

Subsection (b)(4) does not explain how the review authority would determine how beneficial a given proposal is. It is thus not clear and objective and cannot be applied to the Application.

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.

Applicant Response: All roads stubbed to the subject site are proposed to be extended through the property. These existing stubbed streets include Hilfiker Lane, Mandy Avenue, a section of Hillrose Street, and Chaparral Drive. Lansford Drive SE terminates at the

intersection of 12th Street but cannot be extended across 12th Street due to the natural resource of the existing stream and existing topography. Hilfiker Lane SE is classified as a Collector B and extended through the site. Mandy Avenue is a local street and proposed to be extended through the subject site to intersect with proposed McCollim Street. Chaparral Drive, a local street, is extended to the intersection of Hilfiker Lane near the southern boundary of the subject site. All other roads proposed with this application are classified as local streets. Aldridge Avenue is stubbed to the large existing farm parcel, which allows the option for future extension if the farm parcel is developed in the future. Findings are provided below to address alternative street standards for street grades subject to SRC 803.065 below. The criteria are met.

However, subsections (a)(1)-(3) are not clear and objective and thus they cannot be applied to the Application. Subsection (a)(1) does not explain how such features would make a street or public accessway connection impracticable, or what impracticable means. Subsection (a)(2) does not explain how the review authority determines whether existing development would preclude a current or future connection. Subsection (a)(3) is not clear and objective on its face because it cannot show what any lease/easement/covenant/restriction/or “other agreement” shows.

- (b) *Improvements.* All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and the Public Works Design Standards.
- (c) *Alignment and grade.* All streets shall be designed with a vertical alignment that conforms to the Public Works Design Standards. No grade of parkway, major arterial, or minor arterial shall exceed six percent. No grade of a collector street shall exceed eight percent. No grade of a local street shall exceed 12 percent.
- (d) *Dead-end streets.* When it appears necessary to provide connectivity into or through an abutting undeveloped area, a dead-end street shall be provided to the boundary of the undeveloped area. The street may be constructed and right-of-way may be dedicated without a turnaround unless the Planning Administrator finds that a turnaround is necessary.

Applicant Response: This application does not include any dead-end streets. Hilfiker Lane is proposed to be a Type B Collector and as shown on the submitted plan sheet 7.1, the maximum grade is proposed to be 9.30% and a minimum of 1%. Findings are provided below to address alternative street standards subject to SRC 803.065 below. All other street grades within the subject property are proposed to meet the local street standards and not exceed 12 percent (see submitted street profile sheets beginning on sheet 7.1). All streets within this proposed subdivision were designed using the Salem Revised Code and Public Works Design Standards and meet the requirements set forth therein. The proposal is consistent with the codes and standards for public right-of-way. The criteria are met.

However, subsection (b) is not clear and objective because it requires that the proposal “conform to” “all provisions” of the SRC and Public Works Design Standards and does not distinguish between those that are applicable or not applicable to the subject Application. As such, it cannot be applied.

Subsection (c) is not clear and objective because the phrase “conforms to” is subjective and allows for discretion. Further, the “Public Works Design Standards,” without more information on which portions apply, is not clear and objective. As such, it cannot be applied.

Subsection (d) is not clear and objective because it does not explain how the required apparent necessity is determined. It also gives the Planning Administrator discretion to decide whether a turnaround is necessary.

- (e) Reserve blocks. Reserve blocks controlling access to a street or alley may be required to be dedicated to address one or more of the following:
 - (1) To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
 - (2) To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in SRC 803.025.
 - (3) To prevent access to land abutting a street of the development, but not within the development itself.
 - (4) To prevent access to land unsuitable for development.
 - (5) To prevent access prior to payment of street improvement assessments or connection charges.
 - (6) To prevent access to an arterial or collector street.
- (f) Cul-de-sacs.
 - (1) Cul-de-sacs shall not exceed 800 feet in length.
 - (2) No portion of a cul-de-sac shall be more than 400 feet from an intersecting street or cul-de-sac unless physical constraints make it impractical.
 - (3) Cul-de-sacs shall have a turnaround with a property line radius of not less than that specified in SRC 803.025(a) from the center of the turnaround to the property lines.
- (g) Intersections; property line radius.
 - (1) Intersections shall conform to the Public Works Design Standards; provided, however, additional right-of-way and roadway improvements at or adjacent to the intersections of parkways, major arterials, minor arterials, and collector streets may be required for intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes.

- (2) The property line radius at intersections shall be not less than the curb line radius as set forth in the Public Works Standards.

Applicant Response: No reserve blocks or cul-de-sacs are proposed with this application. Intersections and property line radii are proposed to meet the Public Works Design Standards as shown on the Tentative Site Plan sheet 5.0. The criteria are met.

However, subsection (e), to the extent it is deemed applicable, includes the word “may,” which allows for discretion, even if one or more of the listed conditions are met. To the extent a reserve block is part of this Application, this standard cannot apply. Further, subsection (e)(1) includes the terms “proper extension” and “orderly development of land,” which are undefined subjective terms. Subsection (e)(4) includes the phrase “unsuitable for development,” which is undefined and subjective. As such, these standards cannot be applied to the Application.

Subsection (f)(2), to the extent it is deemed applicable, is not clear and objective because “physical constraints” and “impractical” are not defined and/or are subjective terms. As such, it cannot be applied to the application.

Subsection (g)(1) includes the word “may” and the phrase “including, but not limited to,” which allow for discretion. This is not clear and objective and cannot be applied to the Application.

Subsection (g)(2) includes only a general reference to the Public Works Standards rather than specifying which apply, which is vague and as such cannot be clear and objective. As such, this standard cannot be applied.

- (h) Cut and fill slopes. Fill slopes shall begin no closer than two feet from the rear edge of the sidewalk, or if there is no sidewalk, from to the rear edge of the curb. Cut and fill slopes shall not exceed two horizontal to one vertical, provided that slopes not exceeding one to one may be approved upon certification by a qualified engineer or geologist that the slope will remain stable under foreseeable conditions.

Applicant Response: The cut and fill slopes for the majority of the subject site begin beyond the 10-foot Public Utility Easement (PUE) and are not proposed to exceed 2:1. In areas without a PUE, there will be a minimum of a 2-foot bench before the cut and fill slopes and not proposed to exceed 2:1. The criterion is met.

- (i) Slope easements. Slope easements shall be provided on both sides of the right-of-way where required by Public Works Design Standards.

Applicant Response: No slope easements are currently proposed and therefore this criterion does not apply.

However, to the extent it is deemed applicable, subsection (i) includes only a general reference to the Public Works Standards rather than specifying which apply, which is vague and as such cannot be clear and objective. As such, this standard cannot be applied to this Application.

- (j) *Street alignment.* Consistent with good engineering practice, street alignment shall, so far as possible, avoid natural and constructed obstacles, including, but not limited to, mature trees.

Applicant Response: The street alignment is consistent with good engineering practices and avoids natural/constructed obstacles as shown on the submitted tentative site plan.

However, subsection (j) is not clear and objective because “so far as possible” and “including, but not limited to” leave room for discretion. This standard cannot be applied to the application.

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

Applicant Response: The applicant proposes the planting of street trees along all the proposed public right-of-way throughout the site. The street planning area details are shown on the submitted typical street sections sheet. The criterion is met.

- (l) Sidewalks.
 - (1) *Sidewalk construction required.* Sidewalks conforming to this chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC chapter 78 shall be constructed as a part of street improvement projects.
 - (2) *Sidewalk location; width.*
 - (A) Sidewalks shall be located parallel to and one foot from the adjacent right-of-way; provided, however, on streets having a right-of-way of 50 feet or less, sidewalks shall be located parallel to and abutting the curb.
 - (B) If topography or other conditions make the construction of a sidewalk impossible or undesirable in a location required by this subsection, a different location may be allowed.
 - (C) Except as otherwise provided in this subsection, all sidewalks shall be a minimum of five feet in width.
 - (D) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of eight feet in width along the right-of-way for a distance of 600 feet from the point of connection.

- (E) Sidewalks shall have an unobstructed four-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.

Applicant Response: As shown on the tentative site plan, sidewalks are located parallel to the proposed streets. Sidewalks are shown to meet the minimum 5 foot in width standard of sidewalks. No sidewalks within this proposed subdivision connect with school property. As shown on the submitted plan sheets (see sheets 5.1 and 7.1-18) the sidewalks conform to the standards of this chapter, Public Works Design Standards, ADA, SRC Ch. 78, and therefore the criteria are met.

However, subsection (l)(1) is not clear and objective because it requires “conform[ance] to” various undefined and unspecified standards. Moreover, the TSP is generally referenced and is therefore improperly incorporated into this standard. As such, it cannot be applied to this Application.

Subsection (l)(2)(B) includes the phrase “undesirable,” which is subjective. As such, it is not clear and objective and cannot be applied to this Application.

- (m) *Bicycle facility standards.* Streets identified in the Salem Transportation System Plan Bicycle System Map as requiring a bicycle facility must conform to the designation of the Salem Transportation System Plan and the Public Works Design Standards.

Applicant Response: Per the Salem Transportation System Plan Bicycle System Map, Hilfiker Lane is recommended to be a family-friendly bikeway from 12th Street to Pringle Road. The proposed right-of-way improvements within this area include bicycle lanes. The criterion is met.

However, subsection (m) is not clear and objective because of the phrase “conform to”; it also includes reference to unspecified standards in the Public Works Standards. As such, it cannot be applied to this Application.

- (n) *Utility easements.* Public utility easements may be required for all streets. Unless otherwise specified by the Director, public utility easements shall be a minimum of ten feet in width on each side of the right-of-way.

Applicant Response: Utility easements have been shown on the face of the tentative plan and included with this application. The criterion is met.

However, subsection (n) is not clear and objective because it allows for the Director to have discretion in specifying the size of the public utility easements. It also uses the word “may,” without explaining in what situations such easements may or may not be required. As such, it cannot be applied to this Application.

- (o) *Streetlights.* All subdivisions and partitions, and all development on units of land for which site plan review is required, shall include underground electric service, light standards, wiring, and lamps for streetlights that conform to the Public Works Design Standards. The developer shall install such facilities. Upon the City's acceptance of improvements, the street lighting system shall become the property of the City.

Applicant Response: Street lights are proposed to be installed within the public right-of-way and installed by the developer to conform with the Public Works Design Standards. The criterion is met.

However, subsection (o)'s requirement to "conform to" unspecified Public Works Design Standards is not clear and objective. As such, this standard cannot be applied to the Application.

- (p) *Landscape strips.* Landscape strips for signs, streetlights, and shade trees shall be provided that conform to the Public Works Design Standards.
- (q) *Landscaping.* Property owners shall cover at least 75 percent of the unimproved surface area within the right-of-way abutting the property with perennial living plant material which conforms to all other requirements of the UDC, and which is kept free of noxious vegetation.

Applicant Response: Landscape strips are shown on the face of the preliminary site plan. Landscaping will be provided on each individual residential lot and will meet the requirement that 75% of the unimproved surface area within the right-of-way abutting the property with the required perennial living plant material. The criteria are met.

However, subsections (p) and (q) require "conform[ance] to" unspecified Public Works Design Standards or the UDC, respectively. This is not clear and objective, and thus, these standards cannot be applied to the Application.

- (r) *Urban growth area street improvements.* Where a subdivision or partition is located in the Urban Growth Area or the Urban Service Area, and the construction of street improvements by the City has not yet occurred, the street improvements and dedications shall meet the requirements of SRC chapter 200.

Applicant Response: All street improvements included with this application are shown to meet the requirements of SRC Chapter 200 (See submitted road profile sheets and tentative site plan). The criterion is met.

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.
- (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.
- (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.

Applicant Response: All new and extended existing streets are proposed to be dedicated to the City of Salem as public right-of-way. Sidewalk improvements are proposed along the subject site’s frontage on 12th Street and Hillrose Street. Full street and sidewalk improvements are proposed for all new roadways within the proposed subdivision. The criteria are met.

However, subsections (b) and (c) include the word “may,” which allows for discretion. As such, those standards are not clear and objective and cannot be applied to the Application.

Further, subsection (c)(1) includes the phrase “probable future conditions warrant,” which is undefined and is subjective in nature, leaving room for discretion. This is not clear and objective, and cannot be applied to this Application.

Subsection (c)(2) is not clear and objective because it does not provide information about what “topographical requirements” might “necessitate” cuts or fills, etc. As such, it cannot be applied to the Application.

- (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 erection or 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 erection, 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; or
- (5) The erection, 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.

Applicant Response: No exceptions to the required improvements are included with this application. Required right-of-way improvements are proposed to be made as shown on the face of the tentative plat. The criteria are met.

- (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.

Applicant Response: All proposed improvements for boundary streets adjacent to the subject property are proposed to conform to Public Works Design Standards and details are shown on the submitted typical street sections and street profile sheets. Right-of-way dedication of 30-feet on 12th Street to accommodate a 60-foot right-of-way as required by the Local Street Classification (per 3-8 Street System Element of the Salem TSP) is shown on the tentative plat. This required dedication and associated 25-feet of new pavement for the required $\frac{3}{4}$ Street improvements exceeds the maximum amount of street widening stated above due to the underimproved section of 12th Street along the subject property's frontage. A phasing plan has been included with the submitted plan sheets and all streets within the proposed phases are to be constructed during the completion of each phase. The entire subject property is proposed to be subdivided for single-family residential development. The above criteria are met.

However, the requirement in subsection (e)(1) to "conform to" unspecified Public Works Design Standards is not clear and objective. As such, it cannot be applied to this Application.

Further, the phrase in subsection (e)(2), "where appropriate," leaves room for discretion. This is not clear and objective, and thus cannot be applied to the Application.

Sec. 803.045. - Monuments.

Proper monuments that conform to the Public Works Design Standards shall be constructed with street improvements.

Applicant Response: Monuments are proposed to be reviewed for compliance with the Public Works Design Standards prior to final plat approval.

However, the requirement to "conform to" unspecified Public Works Design Standards is not clear and objective. As such, it cannot be applied to this Application.

Sec. 803.050. - Public accessways.

- (a) When necessary for public convenience or safety, public accessways may be required to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, mass transportation stops, or other community services, or where it appears necessary to continue the public walkway into a future subdivision or abutting property or streets.

- (b) Public accessways shall conform to the Public Works Design Standards, and have width and location as reasonably required to facilitate public use and, where possible, accommodate utility easements and facilities. Public accessways shall be dedicated on the plat.

Applicant Response: A public trail is proposed from Hillrose Street over to the west side of Hikfiker Lane. This public trail allows for efficient pedestrian access through the proposed subdivision, crossing through an open space tract. The path tract is proposed to be 15 feet wide through all tract sections. 15 feet is sufficient to construct a walking path to reasonably accommodate public use. Public utility easements are provided adjacent to the public right-of-way to accommodate the installation and undergrounding of public utilities. The criteria are met.

However, subsection (a) does not explain how it is decided that something is necessary for “public convenience or safety” or when something “appears necessary”; also “oddly shaped” and “unusually long” are subjective and leave room for discretion. This standard is not clear and objective and cannot be applied to the Application.

Also, subsection (b) is not clear and objective because “as reasonably required” and “where possible” are subjective phrases and leave room for discretion. As such, this standard cannot be applied to the Application.

Sec. 803.055. - Traffic control, parking regulation, and street signs and pavement markings.

The developer shall install all required traffic control, parking regulation, street signs, and pavement markings for all paved blocks of streets within a subdivision or partition prior to final acceptance of the public streets by the City, or prior to the issuance of any building permit for construction within the subdivision or partition for private streets. All traffic control, parking regulation, and street signs and pavement markings shall conform to the Public Works Design Standards and shall be installed at the developer's expense.

Applicant Response: The applicant proposes to install traffic control and parking regulation measures as conditioned by the approval of this application. Street signs and pavement markings are proposed with the construction of the improvements. A traffic impact analysis was included with this application and did not identify a need for additional traffic control devices such as a traffic light. The criterion is met.

However, the requirement to “conform to” unspecified Public Works Design Standards is not clear and objective. As such, this standard cannot be applied to the Application.

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.

Applicant Response: All streets shown on the tentative plan are to be shown as dedicated to the City of Salem on the plat. The criterion is met.

Sec. 803.065. - Alternative street standards.

- (a) The Director may authorize the use of one or more alternative street standards:
 - (1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;
 - (2) Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or
 - (3) Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.
- (b) Authorization of an alternative street standard may require additional or alternative right-of-way width, easements, and improvements to accommodate the design and construction using the alternative standard.

Applicant Response: Due to the topography of the subject property, grading the Hilfiker Lane right-of-way at or below 8% grade is impractical. Hilfiker Lane is proposed to be a Type B Collector and as shown on the submitted plan sheet 7.1, the maximum grade is proposed to be 9.30% and a minimum of 1%. In addition, the applicant is required to complete $\frac{3}{4}$ street improvements on 12th Street, which currently does not comply with grade standards for a local street. Submitted sheet P9.0 and P9.1 provide the existing and proposed details for 12th Street. Also shown on sheets P9.0-9.1 are the proposed improvements along 12th Street. The applicant has requested Hilfiker Lane, and the 12th Street right-of-way grading, and improvements be reviewed against SRC Sec. 803.065 using the alternative street standards due to existing grade and topography of each right-of-way. The criteria of Sec. 803.065(a)(1) are met.

However, Section 803.065 is not clear and objective. For example, subsection (a) provides for discretion by the Director, who “may authorize” use of an alternative street standard if certain conditions are present but does not *require* such authorization. Further, subsection (a)(1) allows for alternative street standards where “physical constraints” make compliance with the standards “impracticable,” but does not define or describe what those terms mean. Subsection (a)(3) allows for alternative street standards where “topography” or “other conditions” make the conforming construction “undesirable,” but does not explain what features of the topography or what “other conditions” would qualify an application for utilization of alternative street standards and does not define “undesirable.” All of these terms leave room for discretion by a decision maker and are subjective. Further, subsection (b) provides that other “alternative right-of-way width, easements, and improvements” *may* be required to “accommodate the design and construction” of the streets using the alternative standard but does not include information on how that would be determined or in what situations such a determination would be made. This procedure

allows for discretion by the decision-maker and is thus subjective. As such, this section cannot be applied to this needed housing application.

Sec. 803.070. - Deferral of construction of certain improvements.

- (a) Applicant initiated deferral. An applicant may apply to defer the construction of the following improvements, upon filing an application and paying the application fee:
 - (1) Boundary streets.
 - (A) Construction of boundary streets may be deferred if:
 - (i) The development site abuts a boundary street section, and the existing vertical or horizontal alignment for the street section neither meets nor can be constructed within the limits of the development site frontage in a manner that conforms to the Public Works Design Standards for future final street grades and alignment;
 - (ii) The development site abuts a local street, the development site has less than 150 feet of frontage, and the use will generate 20 or less new vehicle trips per day;
 - (iii) The development site abuts a local street and there is no improved street section or street improvement deferral for the boundary street within 150 feet of the property corners of the development site; or
 - (iv) Unusual or special conditions exist that, in the opinion of the Director, would warrant a deferral of all or a part of the improvement.

Applicant Response: This application does not include a proposal to defer construction or any improvements. The criteria do not apply.

- (2) Sidewalks.
 - (A) Construction of sidewalks may be deferred if:
 - (i) For property within all zones other than industrial and employment zones:
 - (aa) The sidewalk is not on a collector street or arterial street; and
 - (bb) Less than one-half of the required sidewalks on the side of the block where the sidewalk is to be constructed have already been constructed.
 - (ii) For property within industrial and employment zones:
 - (aa) The sidewalk would not be part of a pedestrian route to a school, shopping center, park, church, or other pedestrian traffic generator,

- or identified in a local safe routes to school plan as a facility in need of improvement; and
- (bb) The deferral would not pose a threat to public safety and welfare, based upon review of pedestrian/vehicular traffic on the street, the width and condition of the street, and on-street parking.
- (B) Unless otherwise provided in the deferral agreement, when sidewalk construction has been deferred, the property owner shall:
 - (i) Grade and slope the area to the future sidewalk grade;
 - (ii) Avoid planting trees in the sidewalk area, or building fences, retaining walls, steps, or other impediments to the future sidewalk; and
 - (iii) Note on the plans for the development that a deferment has been granted but that sidewalk construction may be ordered by the City at any time.

Applicant Response: Sidewalks are proposed to be constructed and no deferred improvements are included with this application. The criteria do not apply.

- (b) *City required deferral.* The Director may require deferral of the construction of part or all of one or more of the improvements identified in subsection (a) of this section at any time. Deferral pursuant to this subsection shall be at no cost to the applicant.
- (c) *Deferral agreement.* When a deferral is allowed or required pursuant to this section, the applicant shall enter into a deferral agreement. The deferral agreement shall be in a form approved by the City Attorney, shall be filed in the deed records of the appropriate county, and shall provide that the required improvements will be constructed at such time as the Director determines or at such other time as may be specified by resolution of the Council.
- (d) *Notation on plat.* The deferral of any improvements shall be noted on the final plat.

Applicant Response: The above criteria do not apply as no improvement deferrals are included with this application.

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.

Sec. 804.005. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned means a driveway approach that is no longer used for vehicle access.

Driveway approach means any access providing direct vehicle ingress and egress over public right-of-way to property.

One-way driveway means a driveway that provides only ingress or only egress.

Shared access means a driveway that jointly serves two or more lots or parcels.

Two-way driveway means a driveway that provides both ingress and egress.

Sec. 804.010. - Applicability.

This chapter applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach.

Applicant Response: The applicant understands the definitions and applicability of the requirements as they pertain to this application.

However, the phrase “safe and efficient” in Sec. 804.001 is subjective and allows for discretion; thus, it is not clear and objective and cannot be applied to this Application.

Further, as to Sec. 804.005, to the extent a decision maker determines that “context clearly indicates a different meaning,” “clearly indicates” is subjective and thus the definitions are not clear and objective and cannot be applied to this application.

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.
- (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.

Applicant Response: All driveways to single-family homes within this development shall be evaluated for compliance with standards prior to issuance of a building permit. The criteria are met.

However, the phrase “except as otherwise provided in this chapter” in subsection (a) is vague and as such, this standard is not clear and objective on its face; it cannot be applied to this Application.

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 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.
 - (3) A driveway approach providing access to a corner lot that abuts only local or collector streets, where the driveway approach will provide access onto the street with the lower street classification.
 - (4) 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.

Applicant Response: All driveways to single-family homes within this development shall be evaluated for compliance with standards prior to issuance of a building permit. Separate driveway approach permits are proposed to be filed prior to construction of any driveway. The criteria are met.

However, subsection (a)(4) includes the phrase “needed for.” Whether something is “needed for” redevelopment is discretionary as such this standard is not clear and objective and cannot be applied to this Application.

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

- (3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.
 - (4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (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.

Applicant Response: All driveways to single-family homes within this development shall be evaluated for compliance with standards prior to issuance of a building permit. Separate driveway approach permits are proposed to be filed prior to construction of any driveway. The criteria are met.

However, subsection (c)(4) includes the phrases “as determined by the Director” and “which may be required to adequately review and analyze,” which necessarily allow for discretion; further, “conformance with” is vague and allows for discretion. Submittal requirement (4) is not clear and objective and cannot be applied to this Application.

Further, subsection (d) is not clear and objective because it does not set forth which Public Works Design Standards apply. As such, it cannot be applied to this Application.

Sec. 804.025. - Class 2 driveway approach permit.

- (a) *Required.* A Class 2 driveway approach permit is required for:
 - (1) A driveway approach onto a parkway, major arterial, or minor arterial;
 - (2) A driveway approach onto a local or collector street providing access to a use other than single family, two family, three family, or four family;
 - (3) A driveway approach providing access to a corner lot that abuts only local or collector streets, where the driveway approach will provide access onto the street with the higher street classification; or
 - (4) Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.
- (b) *Procedure type.* A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:
 - (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) Topographic conditions;
 - (D) The location of all utilities;
 - (E) The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (F) 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
 - (G) The location of any street trees adjacent to the location of the proposed driveway approach.
- (3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.
 - (4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (d) *Criteria.* A Class 2 driveway approach permit shall be granted if:
- (1) The proposed driveway approach meets the standards of this chapter and the Public Works Design Standards;
 - (2) No site conditions prevent placing the driveway approach in the required location;
 - (3) The number of driveway approaches onto an arterial are minimized;
 - (4) The proposed driveway approach, where possible:
 - (A) Is shared with an adjacent property; or
 - (B) Takes access from the lowest classification of street abutting the property;
 - (5) The proposed driveway approach meets vision clearance standards;
 - (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
 - (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
 - (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
 - (9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Applicant Response: All driveways to single-family homes within this development shall be evaluated for compliance with standards prior to issuance of a building permit. This application does not include a Class 2 driveway approach permit. The criteria do not apply.

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.

- (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) For a corner lot that abuts only local or collector streets, the driveway approach shall provide access to the street with the lower street classification.
- (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.
- (d) *Vision clearance.* Driveway approaches onto local and collector streets shall comply with the vision clearance requirements set forth in SRC chapter 805.

Applicant Response: The driveway approaches for each residential lot are proposed to be installed and evaluated for compliance to these standards for approach, location for corner lots, and spacing at the time a building permit application is submitted. Hilfiker Lane is classified as a Collector B Street and all other streets within this subject site are classified as local streets, therefore all driveway approaches are onto local or collector streets. The applicant proposes compliance with the clear vision requirements for driveways and proposes to be reviewed with the building permit application. The criteria are met.

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

- (a) Number of driveway approaches.
 - (1) Except as otherwise provided in this chapter, a complex shall be entitled to one driveway approach onto a major or minor arterial. Additional driveway approaches for a complex may be allowed where:
 - (A) A complex has more than 370 feet of frontage abutting a major or minor arterial;
 - (B) There is a shared access agreement between two or more complexes; or
 - (C) It is impracticable to serve the complex with only one driveway approach.
 - (2) No driveway approach is allowed onto a major or minor arterial for development that is not a complex, unless:
 - (A) The driveway approach provides shared access;
 - (B) The development does not abut a local or collector street; or
 - (C) The development cannot be feasibly served by access onto a local or collector street.

Applicant Response: This application does not include any major or minor arterial classified roadways. The criteria do not apply.

- (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.
- (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 single family or two family use constructed as part of a subdivision or partition.
 - (4) Only forward in/forward out access shall be allowed onto a major or minor arterial.

Applicant Response: A traffic study was submitted with this application to address traffic volumes associated with this application. This application does not include any major or minor arterial classified roadways. Proposed lots 21 - 25, 51 - 65, 70 - 75, 127 - 132, and 110 - 112 all take access directly onto Hilfiker Lane which is classified as a Collector B. All corner lots with frontage on Hilfiker Lane (Collector B) is proposed to take access via the lesser street classification. The criteria are met.

- (d) *Spacing.* Driveway approaches providing direct access to a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.
- (e) *Vision clearance.* Driveway approaches onto major and minor arterials shall comply with the vision clearance requirements set forth in SRC chapter 805.

Applicant Response: Vision clearance provisions are addressed below in this narrative. No proposed driveways provide direct access onto a major or minor arterial. The criteria are met.

Sec. 804.040. - Access onto parkways.

- (a) *Number of driveway approaches.* No driveway approach shall be allowed onto a parkway unless the driveway approach is for a complex that generates 10,000 or more vehicle trips per day, or the driveway approach is a service driveway approach that provides access to a site controlled by a franchised utility service provider or a governmental entity.
- (b) *Permitted access.* Driveway approaches onto a parkway 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.

- (c) *Spacing.* Driveway approaches onto a parkway shall be no less than one mile from the nearest driveway approach or street intersection, measured from centerline to centerline.
- (d) *Vision clearance.* Driveway approaches onto a parkway shall comply with the vision clearance requirements set forth in SRC chapter 805.
- (e) *Temporary access.* Temporary direct access from a parkway to a development site may be granted until permanent access that conforms to this chapter can be established.
- (f) *No variance or adjustment.* The standards set forth in this section cannot be varied or adjusted.

Applicant Response: No proposed access onto a parkway is included with this application. The criteria do not apply.

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.

Applicant Response: All lots created in this subdivision have direct, individual access onto the public right-of-way and no shared access is proposed with this application. The criteria do not apply.

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.
- (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

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

- (2) *Driveway approach width for uses other than single family, two family, three family, and four family.* Driveway approaches serving uses other than single family, two family, three family, and four family shall conform to the minimum and maximum widths set forth in Table 804-2.

TABLE 804-2. DRIVEWAY APPROACH WIDTH FOR USES OTHER THAN SINGLE FAMILY, TWO FAMILY, THREE FAMILY OR FOUR FAMILY

Type of Driveway	Width	
	Minimum	Maximum
One-way driveway approach	12 ft.	20 ft.
Two-way driveway approach	22 ft.	40 ft.

- (3) *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.
- (c) *Marking and signage.* Where required by the Public Works Design Standards, driveway approaches shall be clearly marked or signed and maintained in conformance with the Public Works Design Standards.

Applicant Response: Driveway design, construction material, and widths are to be evaluated prior to issuance of a building permit. All driveways are proposed to access a single-family home and no marking or signage are proposed with this application. The criteria are met.

However, subsection (a) is not clear and objective because the applicable Public Works Design Standards are not identified and because it includes the phrase “in conformance with,” which is subjective. As such, this standard cannot be applied to the Application.

Further, while the standards in Tables 804-1 and 804-2 are clear and objective, the requirement in subsections (b)(1)-(2) to “conform to” those standards is subjective. As such, subsections (b)(1)-(2) are not clear and objective and cannot be applied to the Application.

Subsection (c) includes the phrase “Clearly marked or signed,” which leaves room for discretion. Further, its requirement to be maintained “in conformance with” unspecified standards in the Public Works Design Standards is not clear and objective. As such, this standard cannot be applied to the Application.

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.
- (b) *Notice.* Notice of driveway approach relocation, reconstruction, or maintenance shall be given, in writing, to the property owner and any affected tenants stating the grounds for the relocation, reconstruction, or maintenance, the date upon which the requirement becomes effective, and the right to appeal.
- (c) *Appeals.* Any person entitled to notice under subsection (b) of this section may appeal the decision to the Hearings Officer by following the process set forth in SRC 20J.220. The hearing on the appeal shall follow the contested case procedures set forth in SRC 20J.240 through 20J.430.
- (d) *Effect.* If no appeal is filed within the time specified, the affected owner shall have 90 days from the date of the notice to relocate, reconstruct, or maintain the driveway approach in a manner that conforms to this chapter and the Public Works Design Standards.
- (e) *Failure to relocate, reconstruct, or maintain driveway approach.* If the owner fails to relocate, reconstruct, or maintain the driveway approach within 90 days, the Director may cause the relocation, reconstruction, or maintenance to be completed and all expenses will be assessed against the property owner.

Applicant Response: Driveways accessing the proposed lots included with this application are to be evaluated prior to issuance of a building permit. No driveway relocation has been required for this application. The criteria are met.

However, subsection (a) includes the phrase “may require,” which leaves room for discretion. As such, it is not clear and objective and cannot be applied to the Application.

Subsection (a)(1) includes the phrase “has become hazardous”; whether something “has become hazardous” is subjective; further, this does not explain how “traffic engineering principles and traffic investigations” specifically will form the basis of such determination. This is not clear and objective, and cannot be applied to the Application.

Subsection (a)(2) requires the driveway approach to be constructed “in conformance” with the stated standards, which is subjective; this standard also does not list which Public Works Design Standards apply. Thus, the standard is not clear and objective and cannot be applied to the Application.

Subsection (a)(3) includes the phrase “maintained in a safe manner,” which is subjective. Thus, the standard is not clear and objective and cannot be applied to the Application.

Subsection (a)(4) includes the phrase “more closely conform to,” which is subjective. Thus, the standard is not clear and objective and cannot be applied to the Application.

Subsection (d) includes the phrase “conforms to,” which is not clear and objective; nor is the “Public Works Design Standards” without detail as to which portions apply. Thus, the standard is not clear and objective and cannot be applied to the Application.

Subsection (e) includes the phrase “may cause,” which allows for discretion. Thus, the standard is not clear and objective and cannot be applied to the Application.

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) A change of use or activity in an existing building increases the amount of required parking;
 - (7) The driveway approach has been abandoned; or
 - (8) There is a demonstrated safety issue.
- (b) *Notice.* Notice of driveway approach closure shall be given, in writing, to the property owner and any affected tenants stating the grounds for closure, the date upon which the closure becomes effective, and the right to appeal.
- (c) *Appeals.* Any person entitled to notice under subsection (b) of this section may appeal the decision to the Hearings Officer by following the process set forth in SRC 20J.220. The hearing on the appeal shall follow the contested case procedures set forth in SRC 20J.240 through 20J.430.
- (d) *Effect.* Closure shall be effective immediately upon the mailing of notice. Unless otherwise provided in the notice, closure terminates all rights to continue the use of the driveway approach for which the notice of closure has been issued.

- (e) *Failure to close driveway.* If the owner fails to close the driveway approach to conform to the notice within 90 days, the Director may cause the closure to be completed and all expenses will be assessed against the property owner.

Applicant Response: All driveways associated with this application are for single-family development access and no existing driveway is required or proposed to be closed. The criteria do not apply.

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.

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:
 - (1) *Uncontrolled intersections.* At uncontrolled intersections, the vision clearance area shall have 30-foot legs along each street (see Figure 805-1).
 - (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).
 - (3) *One-way streets.* Notwithstanding subsections (a)(1) and (2) of this section, at an uncontrolled or controlled intersection of a one-way street, no vision clearance area is required on the corners of the intersection located downstream from the flow of traffic (see Figure 805-3).

Applicant Response: This application does not include any one-way streets. The clear vision clearance lines of site legs are met for all intersections within this proposed subdivision and addressed in the submitted Traffic Impact Analysis (TIA). The applicant proposes stop controlled intersections within the subdivision, and to follow the recommendations for intersections outside of the subdivision described in the submitted TIA. The criteria are met.

- (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).
- (B) Driveways serving uses other than single family and two family. Driveways serving uses other than single family and two family shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along the driveway and 50-foot legs along the intersecting street or alley (see Figure 805-5).

Applicant Response: All driveways included with this application are to access single-family homes. All intersections of driveways and public streets are shown on the tentative site plan as meeting the clear vision requirements. No proposed obstructions are proposed in clear vision areas. The criteria are met.

- (2) Flag lot accessways.
 - (A) Flag lot accessways serving single family and two family uses. Flag lot accessways serving single family and two family uses shall have a vision clearance area on each side of the flag lot accessway. The vision clearance area shall have ten-foot legs along each side of the flag lot accessway, and ten-foot legs along the intersecting street (see Figure 805-6).
 - (B) Flag lot accessways serving uses other than single family and two family. Flag lot accessways serving uses other than single family and two family shall have a vision clearance area on each side of the flag lot accessway. The vision clearance area shall have ten-foot legs along the flag lot accessway and 50-foot legs along the intersecting street (see Figure 805-7).

Applicant Response: Proposed lot 66 is the only flag lot proposed with this application. Lot 66 is proposed for single-family residential use. The pole of the proposed flag lot intersects with 12th Street SE at a 90-degree angle with clear line of site in both directions on 12th Street SE. The proposed accessway width is 20 feet and a minimum of 15 feet is proposed to be paved. The criteria are met.

- (3) Alleys. Alleys shall have a vision clearance area on each side of the alley. The vision clearance area shall have ten-foot legs along the alley and ten-foot legs along the intersecting street (see Figure 805-8).

Applicant Response: No alleys are proposed with this application and therefore this criterion does not apply.

- (4) *Measurement.* The legs of a vision clearance area shall be measured along the right-of-way line and along the intersecting driveway, flag lot accessway, or alley.

Applicant Response: All driveway and right-of-way intersections shall comply with the clear vision measurements standards and are measured along the right-of-way line and along the intersecting driveway/flag lot accessway, as shown on the submitted plat sheet. No alleys are included with this application. The criterion is met.

Sec. 805.010. - Obstructions to vision prohibited.

Except as otherwise provided in this section, vision clearance areas shall be kept free of temporary or permanent obstructions to vision from 30 inches above curb level to 8.5 feet above curb level; provided, however, where there is no curb, the height shall be measured from the street shoulder. As used in this section, temporary or permanent obstruction includes any obstruction located in the right-of-way adjacent to the vision clearance area.

- (a) The following obstructions may be placed in a vision clearance area, unless the cumulative impact of the placement results in an obstruction to vision:
- (1) A column or post, so long as the column or post does not create a visual obstruction greater than 12 inches side-to-side.
 - (2) Utility poles and posts, poles, or supporting members of street signs, street lights, and traffic control signs or devices installed by, or at the direction of, the Public Works Department or any other public agency having jurisdiction over the installation.
 - (3) On-street parking.
- (b) Trees. Trees may be planted within a vision clearance area provided they are a species listed on the parks approved street tree list, and they comply with the following:
- (1) The planting area is sufficient to support the tree when mature.
 - (2) The tree will not interfere with overhead utilities.
 - (3) The tree is a species that can be trimmed/pruned to provide necessary visibility.
- (c) Nothing in this chapter shall be deemed to waive or alter any requirements relating to setbacks or landscaping in the UDC. In the event of a conflict between the standards of this chapter and another chapter of the UDC, the standards in this chapter shall control.

Applicant Response: The submitted tentative site plan does not show any obstructions such as trees, columns, or posts to be placed within the clear vision area per the submitted tentative site plan. Compliance with the clear vision areas is demonstrated in the submitted TIA. The criteria are met.

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.

Applicant Response: This application does not include an alternative vision clearance standard as the provisions for vision clearance are satisfied. The criterion does not apply.

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.

Sec. 806.005. - Off-street parking; when required.

- (a) *General applicability.* Off-street parking shall be provided and maintained as required under this chapter for:
 - (1) Each proposed new use or activity.
 - (2) Any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity.
 - (3) Any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to Downtown Parking District.* Within the Downtown Parking District, off-street parking shall only be required and maintained for uses or activities falling under household living.
- (c) *Applicability to nonconforming off-street parking areas.*
 - (1) When off-street parking is required to be added to an existing off-street parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.
 - (2) Notwithstanding subsection (1) of this section, when a property is changed in use to any of the following uses or activities, or any of the following uses or activities are added to a property, any existing deficiency in the number of off-street parking spaces shall not be required to be remedied and only those additional spaces required for the change of use or addition of the new use shall be required:
 - (A) Accessory dwelling unit.

Applicant Response: Each proposed residential lot will have a driveway large enough to park two standard vehicles. Each home is also designed to have a garage with capacity to house at a minimum one additional vehicle. The subject property is not within the Downtown Parking District and this application does not include any nonconforming off-street parking areas. The criteria are met.

Sec. 806.010. - Proximity of off-street parking to use or activity served.

Required off-street parking shall be located on the same development site as the use or activity it serves or in the following locations:

- (a) *Residential zones.* Within residential zones, required off-street parking may be located within 200 feet of the development site containing the use or activity it serves.
- (b) *Nonresidential zones.* Within commercial, mixed-use, public, and industrial and employment zones, other than the CB, WSCB, and SWMU zones, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves.
- (c) *Central business district zone.* Within the Central Business (CB) Zone:
 - (1) Off-street parking for customers may be located within 800 feet of the development site containing the use or activity it serves; and
 - (2) Off-street parking for employees or residents may be located within 2,000 feet of the development site containing the use or activity it serves.

Applicant Response: All proposed residential lots included with this application are to have driveways to satisfy off-street parking standards. Driveway parking and front door entry are to be within 200 feet of each other. The subject property is entirely within residential zoning designations and not considered commercial, mixed-use, public, or industrial/employment zone. The subject site is also not within the Central Business District Zone. The criteria are met.

- (d) *South waterfront mixed-use zone.* Within the South Waterfront Mixed Use (SWMU) Zone, required off-street parking may be located anywhere within the South Waterfront Mixed Use (SWMU) Zone. Required off-street parking shall not be located in a different zone.
- (e) *Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Overlay Zone.* Within the Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
- (f) *West Salem Central Business District Zone.* Within the West Salem Central Business (WSCB) Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.

- (g) *Mixed Use-I (MU-I) and Mixed Use-II (MU-II)*. Within the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
- (h) *Exception*. Notwithstanding subsections (a) through (g) of this section, where required off-street parking is to be located off-site from the use or activity it serves, it shall only be located in a zone where the use or activity it serves is allowed, or where commercial parking is allowed.

Applicant Response: The subject property is not identified as being within the South Waterfront Mixed-Use Zone, Broadway/High Street Retail Overlay Zone (or any overlay included with 806.010.e), West Salem Central Business District Zone, Mixed-Use-I/Mixed-Use-II and does not include an exception. The above criteria do not apply.

Sec. 806.015. - Amount off-street parking.

- (a) *Minimum required off-street parking*. Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.
- (b) *Compact parking*. Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.
- (c) *Carpool and vanpool parking*. New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

Applicant Response: Table 806-1 requires 2 off-street parking spaces for each single-family home. Each residential lot includes a driveway large enough to accommodate compliance with this standard. Due to the residential nature of this development, no specific compact or carpool/vanpool parking spaces are proposed with this application. The criteria are met.

- (d) *Maximum off-street parking*.
 - (1) Maximum off-street parking is based upon the minimum number of required off-street parking spaces. Except as otherwise provided in this section, and otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A.
 - (2) *Maximum off-street parking where no minimum off-street parking is required*. Where an activity does not require a minimum number of off-street parking spaces based on the requirements of Table 806-1, or because it is located in an area where no minimum off-street parking is required for the activity, maximum off-street parking shall be determined based on the assumed minimum off-street parking set forth in Table 806-2B. Parks and open space are exempt from maximum off-street parking standards.

Applicant Response: Off-street parking spaces are provided for each residential lot included with this application. Each lot is designed to include a building footprint large enough for a driveway and garage. The driveway and garage are to provide each single-family with up to four off-street parking spaces. Each lot provides for more than the minimum number of required off-street parking spaces but does not exceed the maximum number of spaces. The criteria are met.

- (e) Reductions to required off-street parking through alternative modes of transportation.
 - (1) Construction of transit related improvements. When adjacent to transit service, minimum required off-street parking may be reduced by up to ten percent for redevelopment of an existing off-street parking area for transit-related improvements, including transit stops, pullouts and shelters, park and ride lots, transit-oriented developments, and similar facilities.
 - (2) Satisfaction of off-street parking through implementation of a plan for alternative modes of transportation. Minimum required off-street parking for uses or activities other than household living may be reduced through implementation of a plan providing for the use of alternative modes of transportation to decrease the need for off-street parking. The plan shall be reviewed as a Class 2 Adjustment under SRC chapter 250.

Applicant Response: No proposed reduction in the required off-street parking standards is included with this application, and therefore the above criteria do not apply.

- (f) Reductions to required off-street parking for multiple family developments.
 - (1) For multiple family developments, the minimum number of required off-street parking spaces may be reduced through one or more of the following options, provided that the total number of off-street parking spaces reduced shall not exceed 25 percent:
 - (A) *Transit access.* The minimum number of required off-street parking spaces may be reduced by:
 - (i) 10 percent where developments are located within one-quarter mile of a transit stop as measured along a route utilizing public or private streets that are existing or will be constructed with the development; or
 - (ii) 20 percent where developments are located within one-quarter mile of a transit stop that has 15-minute transit service as measured along a route utilizing public or private streets that are existing or will be constructed with the development.
 - (B) *Covered bicycle parking.* The minimum number of required off-street parking spaces may be reduced by one space for every four covered bicycle parking spaces provided in addition to the

minimum number of bicycle parking spaces required as set forth in SRC 806.055. The additional covered bicycle parking spaces must meet the standards of SRC 806.060 and must be located on site either outdoors or in a bike storage room that is accessible to all residents of the multiple family development.

- (C) *Shared car or van.* The minimum number of required off-street parking spaces may be reduced by four spaces for every shared car or shuttle van that is provided on site and available for use by all residents.

Applicant Response: This application does not include any multiple family development or reductions to the parking requirements. This application also does not include any shared car or van spaces due to the single-family residential nature of this development. The above criteria do not apply.

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;
 - (5) *Joint parking agreement.* A joint parking agreement between the owners of two or more uses or activities, buildings or structures, or lots may be approved by the City. Joint use of required off-street parking spaces through a joint parking agreement may occur where two or more uses or activities on the same or separate development sites are able to share the same parking spaces because their parking demands occur at different times. Joint parking shall meet the following standards:
 - (A) Proximity of joint parking to uses or activities served. Joint parking areas shall be located as set forth in SRC 806.010.

- (B) Compatible hours of operation. The hours of operation for the uses or activities subject to a joint parking agreement shall not substantially overlap and there shall be no substantial conflict in the principal operating hours.
- (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.
- (c) *Effect of expiration or termination of agreement.* Upon expiration or termination of any lease, rental, or joint parking agreement set forth in this section, the parking requirements set forth in this chapter shall be fully met within 60 days of the date of such expiration or termination or the use or activity discontinued until the parking requirements are met.

Applicant Response: Each proposed residential lot included with this application is to be within private ownership and off-street parking will be provided in that manner. No easements or lease agreements for residents of the lot to use the provided off-street parking will be required. No parking structures are included with this application or joint parking agreements. The criteria are met.

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.

Unless otherwise provided under the UDC, off-street parking and vehicle storage areas 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 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; or
 - (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.

Applicant Response: Off-street vehicle parking/storage included with this application is proposed to be within a driveway abutting the street which leads to a garage/carport and/or within the garage/carport. The criteria are met.

However, this standard includes general reference to “the UDC,” without specifying which sections are applicable; as such it is not clear and objective. As such, it cannot be applied to the Application.

- (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.

Applicant Response: No side or rear yard areas are proposed to accommodate off-street parking or storage associated with this application. The criteria do not apply.

- (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.

Applicant Response: Off-street vehicle parking/storage included with this application is proposed to be within a driveway abutting the street which leads to a garage/carport and/or within the garage/carport. The criteria are met.

- (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.
- (c) *Dimensions.* Off-street parking spaces shall conform to the minimum dimensions set forth in Table 806-3.
- (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.
- (e) *Surfacing.* Any area that is used for off-street parking shall be paved with a hard surface material meeting the Public Works Design Standards. Vehicle storage areas are not required to be paved.

Applicant Response: This application does not include the construction of each single-family home. Setback areas have been indicated on the submitted site plan and setbacks for each home will be reviewed for compliance prior to issuing a building permit. No reduction in required setbacks is included with this application. No alleys are included with this application. All driveways are proposed to be paved with a hard surface material to be evaluated for compliance with the Public Works Design Standards prior to issuance of a building permit. The criteria are met.

However, subsection (e) includes only a general reference to the Public Works Design Standards, without inclusion of the specific standards applicable. As such, this standard is not clear and objective and cannot be applied.

- (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.

Applicant Response: No screening is required due to all off-street parking spaces being proposed within garage, carport, or driveway. No vehicle storage areas are proposed on these residential lots. The criteria are met.

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 shall be permitted within yards abutting streets.
- (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 806-4 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.
- (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 when such access is being utilized for parking.

Applicant Response: Driveways are proposed to be installed and reviewed for compliance with the standards of Table 806-4 at the time of home construction but are proposed to accommodate two off-street parking spaces. All driveways are proposed to be paved with a hard surface and reviewed for compliance with the Public Works Design Standards prior to issuance of a building permit. No vehicle storage areas are proposed with this application. The criteria are met.

However, this Section includes only a general reference to the UDC, without inclusion of the specific standards applicable. As such, this standard is not clear and objective and cannot be applied.

Subsections (c)(1) and (c)(2) include the phrase “hard surface material,” which is undefined and allows for discretion; and the general reference to the Public Works Design Standards without specific section is unclear. This standard is not clear and objective, and thus cannot be applied to the Application.

Sec. 806.035. - Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.

Applicant Response: This application only includes single-family residential development and all off-street parking spaces associated with this application are only proposed to for single-family development. This subchapter does not apply.

Sec. 806.040. - Driveway development standards for uses or activities other than single family, two family, three family, or four family.

Applicant Response: This application only includes single-family residential development and all driveways associated with this application are proposed to for single-family development. This subchapter does not apply.

Sec. 806.045. - Bicycle parking; when required.

- (a) General applicability. Bicycle parking shall be provided as required under this chapter for:
 - (1) Each proposed new use or activity.
 - (2) Any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity.

- (3) Any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to nonconforming bicycle parking area.* When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Applicant Response: Each single-family home proposed with this application is to have a garage to accommodate parking for bicycles. This application is for a proposed land division and no change in use is proposed. The subject site does not contain or propose any nonconforming bicycle parking areas. The criteria are met.

Sec. 806.050. - Proximity of bicycle parking to use or activity served.

Bicycle parking shall be located on the same development site as the use or activity it serves.

Sec. 806.055. - Amount of bicycle parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-8.

Applicant Response: Each single-family home proposed with this application is to have a garage to accommodate parking for bicycles. The criteria are met.

However, this standard is not clear and objective based on the reference to the UDC without reference to specific sections that are applicable. As such, it cannot be applied to the Application.

Sec. 806.060. - Bicycle parking development standards.

Unless otherwise provided under the UDC, bicycle parking shall be provided in racks or lockers developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

- (a) *Location.* Except as otherwise provided in this section, bicycle parking shall be located outside a building.
 - (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
 - (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.
- (b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of

obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

- (c) *Dimensions.* Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:
- (1) *Bicycle parking spaces.* Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.
 - (2) *Access aisles.* Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Applicant Response: Bicycle parking is proposed to be within the garage that will be constructed in conjunction with the single-family home. All driveways lead to the garage from the public right-of way. No specific dimensions are proposed for bike parking as they may vary based on the needs of the property owner. The criteria are met.

However, this Section is not clear and objective based on the reference to the UDC without reference to specific sections that are applicable. As such, it cannot be applied to the Application.

Further, subsection (a)(1) includes the phrases “convenient distance” and “clearly visible,” which are subjective terms. This standard is not clear and objective and cannot be applied to the Application.

Subsection (a)(2) similarly includes the phrases “convenient distance” and “accessible from,” which are subjective terms. This standard is not clear and objective and cannot be applied to the Application.

Subsection (b) includes the phrase “direct and accessible,” which is a subjective phrase and leaves room for discretion. Thus, it is not clear and objective and cannot be applied to the Application.

- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- (e) *Bicycle racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.
 - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
 - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;

- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Applicant Response: No bicycle parking located outside of a building is proposed, nor are any bicycle racks. The criteria do not apply.

- (f) *Bicycle lockers.* Where bicycle parking is provided in lockers, the lockers shall meet the following standards:
 - (1) Lockers, except for pie-shaped lockers, shall be a minimum of six feet in length, two feet in width, and four feet in height;
 - (2) Pie-shaped lockers shall be a minimum of six feet in length, 30 inches in width at the widest end, and four feet in height;
 - (3) Lockers shall be served by a minimum four-foot-wide access aisle in front of each locker opening. Access aisles may be located within the public right-of-way; and
 - (4) Lockers shall be securely anchored.

Applicant Response: No bicycle lockers are proposed with this single-family residential subdivision application. The criteria do not apply.

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.

Sec. 807.005. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caliper means the diameter of a tree trunk measured one foot above ground level. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its trunks.

Ground cover means living plant species which normally reach a height of less than three feet at maturity, planted in such a manner so as to form a continuous cover over the ground.

Landscaped area means the area of a development site that is required to be landscaped as provided under this chapter.

Landscaping means a combination of living plants, such as trees, shrubs, vines, ground covers, flowers, and grass; natural features such as streams, wetlands, rocks, stone, bark chips and shavings; and

structural features, including, but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, arbors, and benches.

Mature tree means:

- (a) A healthy tree of ten inches dbh or greater;
- (b) A significant tree, as defined under SRC chapter 808;
- (c) A heritage tree, as defined under SRC chapter 808; or
- (d) A grouping of three or more four-inch dbh or greater evergreen or hardwood trees.

Ornamental tree means a relatively low growing deciduous or evergreen tree typically reaching a height of 15 to 20 feet which usually provides color due to its flowers, leaves, or fruit (berries).

Shade tree means a deciduous tree, or, in rare occasions, an evergreen tree, planted primarily for its high crown of foliage or overhead canopy.

Shrub means a deciduous or evergreen woody plant, smaller than a tree, which consists of a number of small stems from the ground or small branches near the ground.

Sec. 807.010. - Applicability.

The provisions of this chapter apply to all required landscaping and screening under the UDC.

Applicant Response: The applicant understands the definitions as they pertain to this application. An arborist report memorandum dated August 28, 2021, has been included with this submittal. The arborist report memorandum includes, among other things, the identification of trees which have fallen, are dead, or have already been removed prior to the Applicant's involvement with the subject property.

However, in Sec. 807.001, the phrase ““improve the appearance and visual character” is subjective, as is the phrase “compatibility between land uses,” as is the term “livability.” This standard is not clear and objective.

Further, as to Sec. 807.005, to the extent a decision maker determines that “context clearly indicates a different meaning,” “clearly indicates” is subjective and thus the definitions are not clear and objective.

And, as to Sec. 807.010, without reference to the specific portions of the UDC applicable here, this standard is also not clear and objective.

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.

TABLE 807.1. LANDSCAPING TYPES		
Landscaping Type	Required Plant Units (PU)	Required Screening
A	Min. 1 PU per 20 sq. ft. of landscaped area	None
B	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence, wall, or hedge
C	Min. 1 PU 20 sq. ft. of landscaped area	Min. 6-foot-tall fence or wall
D	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall sight-obstructing landscaping or wall
E	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall wall

Applicant Response: Each proposed single-family lot will have general landscaping to be installed/planted prior to issuance of a certificate of occupancy for the home. The applicant proposes to comply with Landscaping Type A standards of Table 807.1. Street trees are proposed to be planted within the planter strip adjacent to the sidewalk. The applicant will comply with reasonable, clear and objective conditions of approval relating to landscaping standards.

However, without reference to the specific portion of the UDC applicable to this Section, the standard is not clear and objective and cannot be applied.

- (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.

TABLE 807.2. PLANT MATERIALS AND MINIMUM PLANT UNIT VALUES		
Plant Material	Plant Unit (PU) Value	Size at Planting
1 mature tree	15 PU	
1 shade tree	10 PU	1.5 in. to 2 in. caliper

1 evergreen/conifer tree	5 PU	6 ft. to 8ft. height
1 ornamental tree	2 PU	1 in. to 1.5 in caliper
1 large deciduous or evergreen shrub (at maturity: over 4 ft. wide; 4 ft. high)	2 PU	Min. 3 gallon or balled and burlapped
1 small to medium shrub (at maturity: Maximum 4 ft. wide; 4 ft. high)	1 PU	Min. 1 gallon
Lawn or other ground cover	1 PU per 50 sq. ft.	

Applicant Response: Each proposed single-family lot will have general landscaping to be installed/planted prior to issuance of a certificate of occupancy for the home. Street trees are proposed to be planted within the planter strip adjacent to the sidewalk. The applicant will comply with reasonable, clear and objective conditions of approval relating to landscaping standards. The criteria are met.

- (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.
- (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.
 - (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.

Applicant Response: The applicant proposes to retain the existing historic farmstead on a 3.64-acre parcel identified on the proposed plans as the ‘area to remain’. The applicant shows tree preservation on the entire property of on-site trees at 43.94%. The 3.64-acre parcel around the historic farmstead was not originally considered by the applicant as ‘on-site’ for tree counting since the area is excluded from proposed development. Excluding the 3.64-acre ‘area to remain’ parcel, the applicant shows preservation of 30.72% of the trees. An arborist report prepared by Teragan & Associates has been included with this application. Also included is a tree removal and protection plan beginning on sheet 3 of the submitted Tentative Subdivision Improvement Plans. It is clearly shown on the tree removal and protection plans which trees are on-site, off-site and within the ‘area to remain.’ In areas of significant grading within required setback areas where trees could not be preserved, the applicant proposes a minimum of two trees be replanted. The replanting is proposed to occur prior to issuance of the certificate of occupancy of each single-family home, as to avoid root disturbance during construction. The above criteria are met.

However, the phrase “conform to” in subsection (c) is subjective. As such, it is not clear and objective and cannot be applied.

- (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:
 - (1) *Height.* Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.
 - (2) *Opacity.* Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.
 - (3) *Maintenance.* Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.

Applicant Response: No proposed fencing or landscaping screening is proposed with this application. Fencing could be installed at the time of home construction, but fencing will not be installed prior to home construction. Fencing and screening materials will be reviewed for compliance with these standards at the time a building permit is reviewed. All maintenance of private landscaped areas is to be the responsibility of the individual

property owners. Maintenance to public open space areas under the ownership of the neighborhood Homeowners Association (HOA) is the responsibility of the HOA. The criteria are met.

However, without reference to the specific portion of the UDC applicable to subsection (e), this standard is not clear and objective. Further, “conform to” is subjective. As such, this standard cannot be applied to the Application.

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

Applicant Response: No screening berms are proposed with this application. Street trees are shown to be provided in the planter strip adjacent to the sidewalk within the right-of-way. The criteria are met.

However, without reference to the specific portion of the UDC applicable to subsection (f), this standard is not clear and objective. As such, subsection (f) cannot be applied to the Application.

Sec. 807.020. - Landscaping plan.

- (a) All building permit applications for development subject to the landscaping requirements of this chapter shall include a landscaping plan.
- (b) 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 (b)(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.

Applicant Response: The applicant understands and accepts the requirements to submit a landscape plan with the building permit for each single-family home. The criteria are met.

However, the requirement in subsection (b) that plans are to be in a “size and form established by the Planning Administrator” allows for discretion by the Planning Administrator and is thus not clear and objective.

Further, because subsection (b)(6) does not include a reference to the specific portions of the UDC that are applicable, this requirement is not clear and objective and cannot be applied to the Application.

Subsection (b)(9) includes the phrases “heavily wooded” and “trees that will be affected by the proposed development,” which are subjective; this requirement is not clear and objective. As such, it cannot be applied to the Application.

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.

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.

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.

Applicant Response: The applicant understands and accepts that landscaping shall be installed at the time of construction and installed in a manner that conforms to the standards of this subchapter. The criteria are met.

However, Section 807.025 includes the terms “vigorous,” “well-branched,” “healthy,” “well-furnished,” and “free of,” which are all subjective terms. This standard is not clear and objective. As such, it cannot be applied to the Application.

Further Section 807.035(a) includes the phrases “seasonal conditions” and “temporary site conditions,” which are not defined or described; and “impractical” and “acceptable,” which are subjective terms. This standard is not clear and objective and thus cannot be applied to the Application.

Section 807.035(b) includes the phrase “conforms to” which is not clear and objective. In addition, the “standards of the American Association of Nurserymen, Inc.” is not a phrase that is clear and objective on its face because the standards are not listed. As such, this standard cannot be applied to the Application.

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.

Applicant Response: Irrigation for vegetation will be provided as needed and required depending on the vegetation type and location. Irrigation is proposed to be installed on an as needed basis within the stormwater facility based on the requirements established in the two-year plant establishment schedule. The two-year plant establishment schedule is proposed to be evaluated at the time of construction. The applicant will comply with reasonable, clear and objective conditions of approval relating to irrigation standards. The criteria are met.

Irrigation will be installed on individual residential lots at the time of home construction. The criteria are met.

However, subsection (a) references the UDC without mention of the specific portions that are applicable. As such, it is subjective rather than clear and objective, and cannot be applied to this Application.

Further subsection (a)(1) includes the term “healthy,” which is subjective. This standard is also not clear and objective and cannot be applied to this Application.

Subsection (a)(3) includes only a general reference to the Public Works Design Standards. Without more specific reference, this standard is not clear and objective, and cannot be applied to the Application.

Subsection (b) includes the phrase “wherever feasible,” which allows for discretion. Thus, this standard is not clear and objective, and cannot be applied to the Application.

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.

Applicant Response: The applicant understands and accepts that the maintenance of all landscaping material is of the responsibility of the individual property owners. Any dead or unhealthy plants are to be replaced in conformance with the landscape plan submitted with the building permit. Private property is to be maintained by the property owners and shared open space tracts are to be maintained by the established HOA. The criteria are met.

However, the phrase “healthy, neat, and orderly appearance” in subsection (a) is subjective; this standard is not clear and objective. Thus, it cannot be applied to the Application.

Further, the “unhealthy” and the phrase “in conformance with” in subsection (b) are subjective; this standard is not clear and objective. Thus, it cannot be applied to the Application.

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.

Applicant Response: Landscaping is proposed to be installed during the time of home construction and completed prior to the issuance of the certificate of occupancy. The applicant understands the performance guarantee requirements if landscaping could not be completed during this specified period. The criteria are met.

However, the inclusion of the phrase “as determined by the Planning Administrator” in subsection (a) allows for discretion; this standard is not clear and objective and cannot be applied to the Application.

In subsection (c), whether landscaping is “properly installed” or “properly maintained” is a subjective determination. This standard is not clear and objective and thus cannot be applied to the Application.

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:

- (a) The proposed landscaping meets the intent of providing a buffer between adjacent uses of differing character;
- (b) The proposed landscaping incorporates the increased retention of mature tree(s);
- (c) The proposed landscaping provides protection for wildlife habitat and existing native vegetation and plant materials maintained in a natural state; or
- (d) The proposed landscaping incorporates elements to maintain solar access or provides for wind protection.

Applicant Response: This application does not include any special circumstances modifications pursuant to SRC Chapter 220. The criteria do not apply.

CHAPTER 808. - PRESERVATION OF TREES AND VEGETATION

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.

Sec. 808.005. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Arborist means a person who has met the criteria for certification from the International Society of Arboriculture, the American Society of Consulting Arborists, or similar professional organization, and maintains accreditation.

Caliper means the diameter of a tree trunk measured at six inches above ground level for trunks up to and including four-inch caliper size and at 12 inches above ground level for larger sizes, when measuring nursery stock.

Development means to construct or structurally alter a structure or to make alterations or improvements to land for the purpose of enhancing its economic value or productivity.

Development proposal means any land division, mobile home park permit, conditional use, variance, greenway permit, planned unit development, or site plan review.

Grove means a group of trees providing at least one-half acre of canopy.

Hazardous tree means a tree that is cracked, split, leaning, has a dead top or a large dead limb high in the crown, or is otherwise physically damaged, to the degree that it is likely to fall and injure persons or property. Hazardous trees include diseased trees, meaning those trees with a disease of a nature that, without reasonable treatment or pruning, is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazardous trees.

Heritage tree means a tree designated as a heritage tree pursuant to SRC 808.010(a).

Invasive non-native vegetation means plant species that are not indigenous to Oregon and which, due to aggressive growth patterns and lack of natural enemies spread rapidly into native plant communities, and which are designated as invasive, non-native vegetation in the tree and vegetation technical manual.

Preserved means the tree appears to be healthy and shows no signs of significant damage due to construction.

Restoration means the return of a stream, wetland, or riparian corridor to a state consistent with habitat that is needed to support a healthy ecosystem.

Significant tree means rare, threatened, or endangered trees of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual, and Oregon white oaks (*Quercus garryana*) with a dbh of 24 inches or greater.

Suitable for preservation means the health of the tree is such that it is likely to survive the process of development and construction in good condition and health.

Top of bank means the elevation at which water overflows the natural banks and begins to inundate the upland.

Tree means any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is ten inches or more dbh, and possesses an upright arrangement of branches and leaves. The term "tree" also means any tree planted under SRC 808.035, regardless of dbh. For the purposes of this chapter, in a riparian corridor, the term "tree" includes a dead or dying tree that does not qualify as a hazardous tree.

Tree and Vegetation Technical Manual means that document adopted by the Council which contains administrative regulations to implement the provisions of this chapter, including, but not limited to, lists of invasive non-native vegetation and nuisance vegetation, native vegetation which may be planted to fulfill the requirements of this chapter, identification of waterways, and planting techniques.

Tree removal means to cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. The term "removal" includes, but is not limited to, topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. The term "removal" does not include normal trimming or pruning of trees.

Waterway means any river, perennial stream, or creek within the City as designated by the Director.

Water-dependent activity means an activity which can be carried out only on, in, or adjacent to a waterway because the activity requires access to the waterway for water-borne transportation, recreation, energy production, or source of water.

Applicant Response: The applicant understands the definitions as they pertain to this application.

However, to the extent a decision maker determines that “context clearly indicates a different meaning,” “clearly indicates” is subjective and thus the definitions are not clear and objective. Any definition that includes the phrase “includes but is not limited to” is not clear and objective. These cannot be applied to the Application.

Further, the definition of “hazardous” includes subjective phrases such as “likely to,” “otherwise physically damaged,” and “reasonable”; this is not clear and objective.

Further, the definition of “preserved” includes subjective phrases such as “appears to be” and “healthy” and “significant damage”; this is not clear and objective.

Further, the definition of “restoration” includes the subjective phrase “consistent with habitat that is needed to support a healthy ecosystem”; this is not clear and objective.

Further, the definition of “suitable for preservation” is wholly subjective in that it includes the following phrase: “likely to survive the process of development and construction in good condition and health.

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.

Applicant Response: The subject property does not have any identified heritage trees. An arborist report has been included with this application. The criteria do 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.

Applicant Response: A street tree removal permit for the removal of public trees has been submitted concurrently with this application. All other trees proposed for removal, including six significant trees, are included in a tree conservation plan application pursuant to SRC 808.035 and are included as part of the Applicant’s tree and vegetation removal

permit under SRC 808.0360. An arborist report memorandum dated August 28, 2021, was also included with this application, and shows, among other things, that the tree removal is necessary. Tree Number 2579 (one of 6 significant trees proposed to be removed) is included in the city street tree removal permit as the removal of this tree is required for the 12th Street right-of-way improvements. The criteria are met.

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.

Applicant Response: The northeast corner of the subject property has an identified creek and riparian area. No tree removal is proposed within the riparian corridor. Adjacent to and outside of the riparian area is the proposed water quality facility. Proposed tree removal within the northeast corner open space tract is limited to the location and grading for the water quality facility. The criteria are met.

However, this standard allows the Director to use discretion in determining whether something is a “potential hazard or impediment to stream flow.” It is not clear and objective. As such, it cannot be applied to this Application.

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 or two family residential.

Applicant Response: This application does not propose creation of lots greater than 20,000 square feet. Required tree removal permits have been included with this application. The area directly around the existing farmhouse is to remain a large parcel, but a proposed future development plan has been shown on the tentative plat for this area. The existing trees around the farmhouse are to be preserved and outside of grading areas. The criterion is met.

Sec. 808.030. - Tree and vegetation removal permits.

- (a) Applicability.

- (1) Except as provided in subsection (a)(2) of this section, no trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be removed unless a tree and vegetation removal permit has been issued pursuant to this section.
- (2) Exceptions. A tree and vegetation removal permit is not required for the removal of trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 when the removal is:
 - (A) Necessary for maintenance of a vision clearance area, as required in SRC chapter 805;
 - (B) Required by the City or a public utility for the installation, maintenance, or repair of roads or utilities, including water lines, sewer lines, gas lines, electric lines, and telecommunications lines. This exception does not apply to new development or construction in a riparian corridor;
 - (C) Necessary for continued maintenance of existing landscaping. For the purposes of this exception, the term "existing landscaping" means an area within a riparian corridor which was adorned or improved through the planting of flowers and trees, contouring the land, or other similar activity prior to June 21, 2000;
 - (D) Necessary for the installation, maintenance, or repair of public irrigation systems, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities. Maintenance includes the cleaning of existing drainage facilities and trash removal;
 - (E) Removal of invasive non-native or nuisance vegetation in riparian corridors;
 - (F) Necessary for public trail or public park development and maintenance;
 - (G) Necessary to conduct flood mitigation;
 - (H) Necessary to effect emergency actions which must be undertaken immediately, or for which there is insufficient time for full compliance with this chapter, when it is necessary to prevent an imminent threat to public health or safety, prevent imminent danger to public or private property, or prevent an imminent threat of serious environmental degradation. Trees subject to emergency removal must present an immediate danger of collapse. For purposes of this subsection, the term "immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fall and cause damage. The person undertaking emergency action shall notify the Planning Administrator within one working day following the commencement of the emergency activity. If the Planning Administrator determines that the action or part of

- the action taken is beyond the scope of allowed emergency action, enforcement action may be taken;
- (I) A commercial timber harvest conducted in accordance with the Oregon Forest Practices Act, ORS 527.610—527.992, on property enrolled in a forest property tax assessment program, and which is not being converted to a non-forestland use. Properties from which trees have been harvested under the Oregon Forest Practices Act may not be partitioned, subdivided, developed as a planned unit development, or developed for commercial uses or activities for a period of five years following the completion of the timber harvest;

Applicant Response: A tree and vegetation removal permit was submitted for the private tree/vegetation removal and an additional permit application was submitted for the public tree removal. The applicant understands which activities are exempt from the requirements of a tree removal permit. All significant trees proposed to be removed are included in the arborist report memorandum, the tree conservation plan permit, and or the street tree permit application for city tree removal.

However, subsection (a)(2)(A), (C), (D), (F), (G), and (H) do not explain how “necessary” is determined. As such, they are not clear and objective and cannot be applied to the Application.

Further, Subsection (a)(2)(H) allows for discretion by the Planning Administrator, and as such is not clear and objective.

- (J) Associated with mining operations conducted in accordance with an existing operating permit approved by the Oregon Department of Geology and Mineral Industries under Oregon Mining Claim law, ORS 517.750—517.955;
- (K) Removal of Oregon white oaks (*Quercus garryana*) on undeveloped lots or parcels of record as of August 9, 2005, that are less than 20,000 square feet. For the purposes of this section, the term "undeveloped" means that no single family dwelling unit or duplex dwelling unit has been constructed on the lot or parcel as of August 9, 2005;
- (L) Removal of Oregon white oaks (*Quercus garryana*) where the removal is necessary in connection with construction of a commercial or industrial facility;
- (M) Necessary as part of a restoration activity within a riparian corridor undertaken pursuant to an equivalent permit issued by the Oregon Division of State Lands and/or the United States Corps of Engineers; provided, however, that the permittee must provide, prior to the removal, a copy of the permit and all required monitoring reports to the Planning Administrator;

- (N) Removal of trees on a lot or parcel 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, and the removal does not result in:
 - (i) Removal of more than five trees or 15 percent of the trees, whichever is greater, within a single calendar year;
 - (ii) Removal of more than 50 percent of the trees within any five consecutive calendar years; and
 - (iii) Removal of heritage trees, significant trees, and trees in riparian corridors;
- (O) Undertaken pursuant to a tree conservation plan, required in conjunction with any development proposal for the creation of lots or parcels to be used for single family or two family uses or activities, approved under SRC 808.035;
- (P) Undertaken pursuant to a tree conservation plan adjustment granted under SRC 808.040; or
- (Q) Undertaken pursuant to a tree variance granted under SRC 808.045.

Applicant Response: A tree and vegetation removal permit was submitted for the private tree/vegetation removal and an additional permit application was submitted for the public tree removal. The applicant understands which activities are exempt from the requirements of a tree removal permit.

However, subsection (a)(2)(L) and (M) do not explain how “necessary” is determined. As such, they are not clear and objective and cannot be applied to the Application.

- (b) *Procedure type.* A tree and vegetation removal permit is processed as a Type I procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree and vegetation removal permit shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Site topography shown at two-foot contour intervals;
 - (C) The location of any existing structures on the site;
 - (D) The type, size, and location of trees and native vegetation to be preserved or removed;
 - (E) The locations and descriptions of staking or other protective devices to be installed for trees and native vegetation to be preserved; and

- (F) The site plan may contain a grid or clear delineation of phases that depict separate areas where the work is to be performed.
- (2) In addition to the information required by subsection (c)(1) of this section, an application for tree or native vegetation removal connected with restoration activity in a riparian corridor shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A conceptual tree and vegetation planting or replanting plan;
 - (C) A completed wetland delineation or determination, if applicable;
 - (D) A grading plan, if grading is planned or anticipated;
 - (E) A verification from the Department of Public Works that erosion control measures will be initiated, if required; and
 - (F) A monitoring and maintenance plan, if required by Oregon Division of State Lands or the United States Corps of Engineers.
- (3) Waiver of submittal requirements for certain restoration activities in riparian corridors. The Planning Administrator may waive the requirement to submit all or part of the information required by subsections (c)(1) and (2) of this section for a restoration activity in a riparian corridor that affects less than one-quarter acre and does not require a permit from the Oregon Division of State Lands or United States Corps of Engineers.

Applicant Response: This application does not include a waiver to any submittal requirements for certain restoration activities. Supplemental required tree removal permits have been submitted and included with this application. The above criteria are met.

- (d) *Approval criteria.* An application for a tree and vegetation removal permit shall be granted if one or more of the following criteria are met:
 - (1) *Hazardous tree.* The condition or location of the tree presents a hazard or danger to persons or property; and the hazard or danger cannot reasonably be alleviated by treatment or pruning, or the tree has a disease of a nature that even with reasonable treatment or pruning is likely to spread to adjacent trees and cause such trees to become hazardous trees.
 - (2) *Repair, alteration, or replacement of existing structures.* The tree or native vegetation removal is reasonably necessary to effect the otherwise lawful repair, alteration, or replacement of structures existing as of June 21, 2000, the footprint of the repaired, altered, or replacement structure is not enlarged, and no additional riparian corridor area is disturbed beyond that essential to the repair, alteration, or replacement of the existing structure.

- (3) *Water-dependent activities.* The tree or native vegetation removal is necessary for the development of a water-dependent activity, and no additional riparian corridor area will be disturbed beyond that essential to the development of the water-dependent activity.
- (4) *Restoration activity within riparian corridor.* The tree or native vegetation removal is required for a restoration activity within a riparian corridor designed to improve the habitat, hydrology, or water quality function of the riparian corridor, and:
 - (A) The short-term impacts of the restoration activity will be minimized;
 - (B) Effective erosion control measures will be implemented;
 - (C) All necessary permits have been applied for or obtained; and
 - (D) No trees or native vegetation will be removed unless the removal is justified for the long term benefit of the environment and is in keeping with acceptable riparian restoration guidance.

Applicant Response: An arborist report has been included with this application which identifies tree type and tree condition. The applicant has submitted a tree preservation and removal plan (see plan sheets 3-3.4) which identifies the tree conditions, type, and size of all trees on the site in addition to those identified for removal. The proposed tree removal is due to the extensive grading required to develop the subject property combined with the condition of the tree. The trees identified for removal are or will become hazardous and therefore, the standards described above under Sec. 808.030.d.(1) are met. The proposed tree removal near the riparian corridor is associated with the required $\frac{3}{4}$ street improvements on the east side of 12th Street but outside of the riparian buffer area. Required supplemental tree removal permits have been included with this submittal. The criteria are met.

However, subsection (d)(1) allows for discretion based on the “condition or location of the tree” and determining whether it creates a “hazard or danger.” This criterion is not clear and objective. As such, it cannot be applied to the Application.

Subsection (d)(2) includes the phrase “reasonably necessary,” which is subjective and allows for discretion. This criterion is not clear and objective. As such, it cannot be applied to the Application.

Subsection (d)(3) includes the terms “necessary” and “essential,” which determination allows for discretion. This criterion is not clear and objective. As such, it cannot be applied to the Application.

Subsection (d)(4) includes the terms “necessary,” “minimized,” “effective,” “justified,” “benefit,” and “acceptable,” which are all subjective; this criterion is not clear and objective. As such, it cannot be applied to the Application.

- (e) Conditions of approval.
 - (1) Conditions may be imposed on the approval of a tree and vegetation removal permit to ensure compliance with the approval criteria.
 - (2) In addition to the conditions imposed under subsection (e)(1) of this section, tree and vegetation removal permits for the removal of trees or native vegetation in connection with a restoration activity within a riparian corridor shall include the following condition:
 - (A) Trees and native vegetation removed shall be replaced in compliance with the tree and native vegetation replacement standards set forth in SRC 808.055.

Applicant Response: The applicant understands the conditions of approval that could be imposed onto a tree removal permit, and will comply with reasonable, clear and objective conditions of approval.

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 or two family uses, if the development proposal will result in the removal of trees.
- (b) *Procedure type.* A tree conservation plan is processed as a Type I procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree conservation plan shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Proposed lot or parcel lines;
 - (C) Site topography shown at two-foot contour intervals;
 - (D) Identification of slopes greater than 25 percent;
 - (E) The location of any existing structures on the site;
 - (F) Identification of the type, size, and location of all existing trees on the property;
 - (G) Identification of those trees proposed for preservation and those designated for removal;
 - (H) The location of all utilities and other improvements;
 - (I) Required setbacks for the proposed lots or parcels;
 - (J) The locations and descriptions of staking or other protective devices to be used during construction; and
 - (K) The site plan may contain a grid or clear delineation of phases that depict separate areas in which work is to be performed

and identification of those trees proposed for preservation and those designated for removal with each phase.

Applicant Response: A tree conservation plan has been included with this application. All significant trees proposed to be removed are included in the arborist report memorandum, the tree conservation plan permit, and/or the street tree permit application for city tree removal. Sheets 3 through 3.4 submitted with this application indicate the tree locations and health. All site plan submittal requirements are shown on sheets P2, 3, 3.1-3.4, and 19. The criteria are met.

- (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, the tree conservation plan shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A description of the vegetation within the riparian corridor;
 - (C) A tree and native vegetation replanting plan, in compliance with the standards set forth in SRC 808.055, if trees and native vegetation within the riparian corridor are proposed for removal.

Applicant Response: On submitted sheet 3.1 all trees are identified, including those within the riparian corridor. No trees within the riparian corridor are proposed to be removed. The riparian corridor is identified on the submitted existing conditions map and on Sheet 3.1. The criteria are met.

- (d) *Approval criteria.* An application for a tree conservation plan shall be granted if the following criteria are met:
 - (1) No heritage trees are designated for removal;
 - (2) No significant trees are designated for removal, unless there no reasonable design alternatives that would enable preservation of such trees;
 - (3) 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;
 - (4) Not less than 25 percent of all trees located on the property are designated for preservation; provided, however, if less than 25 percent of all trees located on the property are designated for preservation, only those trees reasonably necessary to accommodate the proposed development shall be designated for removal.
- (e) Conditions of approval.
 - (1) Conditions may be imposed on the approval of a tree conservation plan to ensure compliance with the approval criteria.

- (2) In addition to any conditions imposed under subsection (e)(1) of this section, every tree conservation plan shall include the following conditions:
 - (A) All trees and native vegetation designated for preservation under the tree conservation plan shall be marked and protected during construction. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of a notice of final completion for the single family dwelling or two family dwelling.
 - (B) Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.
- (f) *Expiration.* A tree conservation plan shall remain valid as long as the development proposal the tree conservation plan is issued in connection with remains valid.

Applicant Response: The subject property does not contain any identified heritage trees. All trees proposed to be removed are due to the health of the tree or because no reasonable alternative exists. No trees within the riparian corridor are proposed to be removed. The submitted tree protection and removal overview indicates the preservation of 43.94% of the existing trees. All significant trees proposed to be removed are included in the arborist report memorandum, the tree conservation plan permit, and or the street tree permit application for city tree removal. The applicant understands the conditions that could be imposed on this application and the expiration requirements. The criteria are met.

However, criteria (d)(2) and (d)(3), which include the phrase “reasonable design alternatives,” allow for discretion; these criteria are not clear and objective, and cannot be applied to this Application.

Similarly, criterion (d)(4) includes the phrase “reasonably necessary to accommodate,” allows for discretion; this criterion is not clear and objective, and cannot be applied to this Application.

Sec. 808.040. - Tree conservation plan adjustments.

- (a) Applicability.
 - (1) Except as provided under subsection (a)(2) of this section, no tree or native vegetation designated for preservation in a tree conservation plan shall be removed unless a tree conservation plan adjustment has been approved pursuant to this section.
 - (2) Exceptions. A tree conservation plan adjustment is not required for:

- (A) A tree that has been removed due to natural causes; provided, however, that evidence must be provided to the Planning Administrator demonstrating the removal was due to natural causes.
 - (B) Removal of a hazardous tree, subject to a tree and vegetation removal permit issued under SRC 808.030.
 - (C) Removal necessary to effect emergency actions excepted under SRC 808.030(a)(2)(H).
- (b) *Procedure type.* A tree conservation plan adjustment is processed as a Type I procedure under SRC chapter 300.

Applicant Response: The applicant understands that trees approved for preservation cannot be removed without an adjustment to the tree conservation plan. No tree removal exceptions are included with this application.

- (c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree conservation plan adjustment shall include the following:
- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north; and
 - (B) Identification of the type, size, and location of those trees proposed for removal under the tree conservation plan adjustment.
 - (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, an application for a tree conservation plan adjustment shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan; and
 - (B) Identification of the type and location of any native vegetation within the riparian corridor proposed for removal under the tree conservation plan adjustment.

Applicant Response: No tree conservation plan adjustments are included with this application. The submittal criteria listed above do not apply.

- (d) *Approval criteria.* A tree conservation plan adjustment shall be approved if the following criteria are met:
- (1) There are special conditions that could not have been anticipated at the time the tree conservation plan was submitted that create unreasonable hardships or practical difficulties which can be most effectively relieved by an adjustment to the tree conservation plan.

- (2) When the tree conservation plan adjustment proposes the removal of a significant tree, there are no reasonable design alternatives that would enable preservation of the tree.
- (3) When the tree conservation plan adjustment proposes the removal of a tree or native vegetation within a riparian corridor, there are no reasonable design alternatives that would enable preservation of the tree or native vegetation.
- (4) When the tree conservation plan adjustment proposes to reduce the number of trees preserved in the original tree conservation plan below 25 percent, only those trees reasonably necessary to accommodate the proposed development are designated for removal.
- (e) *Conditions of approval.* Conditions may be imposed on the approval of a tree conservation plan adjustment to ensure compliance with the approval criteria and to fulfill the intent of the original tree conservation plan, including requiring additional plantings on or off site.

Applicant Response: No tree conservation plan adjustments are included with this application. A tree conservation plan application and narrative are included with this application. The above criteria above do not apply.

Sec. 808.045. - Tree variances.

- (a) *Applicability.* Tree variances may be granted to allow deviation from the requirements of this chapter where the deviation is reasonably necessary to permit the otherwise lawful development of a property.
- (b) *Procedure type.* A tree variance is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a tree variance shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of any existing structures on the site;
 - (C) Identification of the type, size, and location of all existing trees on the property;
 - (D) Identification of those trees proposed for preservation and those designated for removal; and
 - (E) The location of roads, bridges, utilities, and other improvements;
 - (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, an application for a tree variance shall include:

- (A) A delineation of the boundaries of the riparian corridor on the site plan;
- (B) Identification of the type and location of any native vegetation within the riparian corridor proposed for removal.

Applicant Response: No tree variances are included with this application. The criteria do not apply.

- (d) *Approval criteria.* A tree variance shall be granted if either of the following criteria is met:
 - (1) Hardship.
 - (A) There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance; and
 - (B) The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity; or
 - (2) Economical use.
 - (A) Without the variance, the applicant would suffer a reduction in the fair market value of the applicant's property, or otherwise suffer an unconstitutional taking of the applicant's property;
 - (B) The proposed variance is the minimum necessary to prevent a reduction in the fair market value of the applicant's property or otherwise avoid a taking of property; and
 - (C) The proposed variance is consistent with all other applicable local, state, and federal laws.

Applicant Response: No tree variances are included with this application. The above approval criteria do not apply.

- (e) Conditions of approval.
 - (1) Conditions may be imposed on the approval of a tree variance to ensure compliance with the approval criteria and to limit any adverse impacts that may result from granting the tree variance.
 - (2) In addition to any condition imposed under subsection (e)(1) of this section, where a variance is proposed to the requirements for the preservation of trees and native vegetation in riparian corridors, the approval shall include the following conditions:
 - (A) Altered riparian corridor areas that can be reasonably restored, shall be restored; and
 - (B) In no case shall alterations to the riparian corridor:
 - (i) Occupy more than 50 percent of the width of the riparian corridor measured from the upland edge of the corridor; or

- (ii) Result in less than 15 feet of vegetated corridor on each side of the waterway.

Applicant Response: No tree variances are included with this application. The above criteria do not apply.

Sec. 808.050. - Tree planting requirements.

- (a) Within development proposals for the creation of lots or parcels to be used for single family or two family uses, 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.

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

Applicant Response: The average lot size ranges from ±4,000 square feet to ±5,500 square feet and therefore will comply with the standard of planting a minimum of two required trees in accordance with this subchapter. For larger lots shown on the tentative plat, the requirements of Table 808-1 are proposed to be followed. All landscaping and tree planting are proposed to occur at the time of construction, as to not disturb newly planted vegetation with heavy equipment. The applicant will comply with reasonable, clear and objective conditions of approval regarding tree planting.

Sec. 808.055. - Tree and native vegetation replacement standards within riparian corridors.

Where replacement of trees and native vegetation within a riparian corridor is required by this chapter, the replacement shall comply with the following:

- (a) Trees and native vegetation removed shall be replaced at an area replacement ratio of one-to-one. If there is inadequate space for replanting at or near the location where the tree or native vegetation was removed, replanting may occur elsewhere within the riparian corridor on the property.
- (b) Replacement trees shall have a minimum 1.5-inch caliper and shall be of species authorized in the Tree and Vegetation Technical Manual.
- (c) Replacement vegetation shall be of sizes and species authorized in the Tree and Vegetation Technical Manual.

Applicant Response: Only invasive, nonnative vegetation is proposed to be removed from the riparian area in the northwest corner of the property. See submitted plan sheet 3.1. The criteria are met.

However, subsection (a) includes the phrase “inadequate space,” which is subjective. This standard is not clear and objective and thus cannot be applied to this Application.

Sec. 808.060. - Tree canopy preservation fund.

- (a) Funds collected from any grants and donations for the planting, maintenance, and preservation of trees shall go into a tree canopy preservation fund, 95 percent of which funds shall be designated for the acquisition, maintenance, and preservation of groves of trees within the City or the Salem-Keizer Urban Growth boundary. The remaining five percent shall be used to promote the planting of new trees as follows, at the discretion of the Director:
 - (1) In a public or private park, school yard, riparian corridor, or nature area;
 - (2) In public rights-of-way, except in storm or sewer easements; or
 - (3) In the form of a donation to nonprofit organizations for the purposes of planting trees within the City or the Salem-Keizer Urban Growth boundary.
- (b) The City shall conduct a tree canopy study every census year, using the most economically feasible method, for the purposes of measuring the effectiveness of this chapter and other development-related ordinances in preserving and improving the amount of tree canopy area within the City or the Salem-Keizer Urban Growth boundary.

Applicant Response: No tree canopy preservation funds, grants, or donations are proposed with this application. The above criteria do not apply.

Sec. 808.065. - Enforcement.

- In any action brought under SRC 110.110 to enforce this chapter, the following shall apply:
- (a) *Stop work order.* If the applicant's site plan contains a grid or phases that designate areas in which work is to be performed, only that grid area or phase in which any violation occurred shall be affected by any stop work order.
 - (b) *Permit revocation.* In addition to the grounds set forth under SRC 110.110, a permit may be revoked if the work is a hazard to property or public safety; is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, waterway, riparian corridors, significant wetlands or storm water facility; or is otherwise adversely affecting the public health, safety, or welfare.
 - (c) *Restoration.* Persons violating this chapter, or any permit issued hereunder, shall be responsible for restoring damaged areas in conformance with a plan approved by the Planning Administrator which provides for repair of any

environmental or property damage and restoration of the site. The plan shall result in conditions upon the site which, to the greatest extent practical, equal the conditions that would have existed had the violation not occurred, as verified by a qualified professional. Costs of restoration shall be not less than those determined equal to the monetary value of the regulated trees and/or native vegetation removed in violation of this chapter, or permit issued hereunder, as set forth in an appraisal acceptable to the Planning Administrator, based upon the latest edition of "Guide for Plant Appraisals" (International Society of Arboriculture, Council of Tree and Landscape Appraisers).

- (d) *Prohibition of further approvals.* The City shall not issue a notice of final completion for property on which a violation of this chapter has occurred or is occurring, until the violation has been cured by restoration or other means acceptable to the Planning Administrator and any penalty imposed for the violation is paid.
- (e) *Injunctive relief.* The City may seek injunctive relief against any person who has willfully engaged in a violation of SRC 808.035 or SRC 808.040, such relief to be in effect for a period not to exceed five years.

Applicant Response: No proposed action associated with this application require enforcement. The applicant understands the above listed actions could result in an enforcement action.

However, it should be noted that as to subsection (b), whether “a hazard,” or “adversely affecting” is subjective; this standard is not clear and objective. As such, it cannot be applied to this Application.

Subsection (c) includes the subjective phrase “to the greatest extent practicable,” which is not clear and objective. As such, it cannot be applied to this Application.

Subsection (d) allows the Planning Administrator to approve “other means acceptable” allows for discretion; this is not clear and objective. As such, it cannot be applied to this Application.

CHAPTER 810. - LANDSLIDE HAZARDS

Sec. 810.015. - Map adoption.

Areas subject to this chapter shall be shown on landslide hazard susceptibility maps, which shall be adopted by administrative rule by the Director pursuant to SRC chapter 20J. The landslide hazard susceptibility maps shall indicate the general location of areas of low, moderate, and high susceptibility to landslides, areas of known slide hazards, and slope contours. These maps shall be based on the best available information.

Applicant Response: The subject property is not identified on a landslide hazard map adopted by the Director. The criterion does not apply.

Sec. 810.020. - Landslide hazard construction permit.

- (a) Applicability.
 - (1) Except as provided in subsection (a)(2) of this section, no person shall engage in any of the following activities in areas designated as moderate or high total landslide hazard risk without first obtaining a landslide hazard construction permit.
 - (A) Excavation or fill, as independent activity, exceeding two feet in depth or 25 cubic yards of volume;
 - (B) Installation or construction of any structure greater than 500 square feet in area;
 - (C) Alteration, enlargement, reconstruction, or relocation of a structure greater than 500 square feet in area that requires any modification to the foundation;
 - (D) Land division, planned unit development, or manufactured dwelling park; or
 - (E) Tree removal, as an independent activity, on regulated slopes greater than 60 percent.
 - (2) Exemptions. A landslide hazard construction permit is not required for the following:
 - (A) Excavation and fill exceeding two feet in depth or 25 cubic yards of volume within a public right-of-way or public utility easement.
 - (B) Activities otherwise identified in subsection (a)(1) of this section which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property; provided, however:
 - (i) The person undertaking such emergency activity shall notify the Director within one working day following the commencement of the activity.
 - (ii) If the Director determines that the activity, or any part thereof, is beyond the scope of allowed emergency activity, enforcement action may be taken.
- (b) Procedure type. A landslide hazard construction permit is processed as a Type I procedure under SRC chapter 300.
- (c) Submittal requirements. In lieu of the application submittal requirements under SRC chapter 300, an application for a landslide hazard construction permit shall include the following:
 - (1) A completed application form.
 - (2) A geological assessment, geotechnical report, or both, as applicable.
- (d) Criteria. A landslide hazard construction permit shall be granted if:

- (1) The geological assessment, geotechnical report, or both, as applicable, meets the standards of this chapter; and
- (2) The geological assessment, geotechnical report, or both, as applicable:
 - (A) Indicates the development can proceed without a risk of landslide hazard; or
 - (B) Sets forth mitigation measures that will reduce or eliminate the risk of landslide hazard.
- (e) Director may have report re reviewed. The Director may, at the City's expense, elect to have an independent certified engineering geologist or geotechnical engineer, selected from a list of prequalified consultants, review the report or its conclusions.
- (f) Conclusions and recommendations. Conclusions and recommendations set forth in an approved geological assessment or geotechnical report shall be incorporated as conditions of approval of the landslide hazard construction permit. The landslide hazard construction permit shall be incorporated into any land use approval connected with the regulated activity.

Applicant Response: No landslide hazard construction permits are included with this application. The criteria do not apply.

Sec. 810.025. - Landslide hazard risk assessment.

- (a) Graduated Response Tables. The Graduated Response Tables set forth in this subsection are used to determine the total landslide hazard risk and required level of site investigation for regulated activities under this chapter. To determine the total landslide hazard risk, follow the steps set forth in this subsection. Where any portion of a proposed activity is identified under multiple landslide susceptibility ratings, the highest rating shall apply.
 - (1) Step One: Earthquake Induced Landslide Susceptibility. Select one assigned point value from Table 810-1A and proceed to step two.

TABLE 810.1A. EARTHQUAKE-INDUCED LANDSLIDE SUSCEPTIBILITY RATINGS	
Physiographic and Geologic Categories	Assigned Point Value
Property identified under very low or low categories on IMS-17 or IMS-18	0 Points
Property identified under a moderate category on IMS-17 or IMS-18	2 Points
Property identified under high category on IMS-17 or IMS-18	3 Points
References: Interpretive Map Series (IMS-17), Interpretive Map Series (IMS-18)	

- (2) Step Two: Water-Induced Landslide Susceptibility. Select one assigned point value from Table 810-1B and proceed to step 3.

TABLE 810-1B. WATER-INDUCED LANDSLIDE SUSCEPTIBILITY RATINGS	
Physiographic and Geologic Categories	Assigned Point Value

Property Identified under Category 1 on IMS-5 and IMS-6 Reports	0 Points
Property Identified under Categories 2 or 3 or IMS-5 or IMS-6 Reports	2 Points
Property identified under Categories 2 or 3 on IMS-5 or IMS-6 Reports	2 Points
Property identified under Categories 4, 5a, 5b or 6 on IMS-5 or IMS-6 Reports	3 Points
Property identified in IMS-22 Report	3 Points
Property outside the boundaries of IMS-5, IMS-17, IMS-18, and IMS-22 and over 25% slopes	3 Points
Reference: Interpretive Map Series (IMS-5), Interpretive Map Series (IMS-6), Interpretive Map Series (IMS-17), Interpretive Map Series (IMS-18), Interpretive Map Series (IMS-22) and Slope Contour Map	

- (3) *Step Three: Activity Susceptibility Ratings.* Select one assigned point value from Table 810-1C and proceed to step four.

TABLE 810.1C. ACTIVITY SUSCEPTIBILITY RATINGS		
Type of Activity		Assigned Point Value
Excavation or fill, as an independent activity, exceeding 2 feet in depth or 25 cubic yards of volume		3 Points
Installation or construction of any structure greater than 500 square feet in area	Single family, duplex, or manufactured dwelling building permit	1 Point
	Multiple family building permit	2 Points
	Schools, hospitals, or public building permit	3 Points
	Commercial or industrial building permit	3 Points
Alteration, enlargement, reconstruction, or relocation of a structure greater than 500 square feet in area that requires any modification to the foundation	Single family, duplex, or manufactured dwelling building permit	1 Point
	Multiple family building permit	2 Points
	School, hospitals, or public building permit	3 Points
	Commercial or industrial building permit	3 Points
Installation or construction of any structure greater than 500 square feet, not otherwise identified in table.		1 Point
Land division, planned unit development, or	Partition	2 Points
	Subdivision, planned unit development, manufactured dwelling park	3 Points

manufactured dwelling park		
Tree removal, as an independent activity, on regulated slopes greater than 60%		3 Points

- (4) *Step Four: Cumulative Score.* Add the sub-totals from Tables 810-1A, 810-1B, and 810-1C. Proceed to step five.

TABLE 810-1D. CUMULATIVE SCORE			
Step 1. Earthquake-Induced Landslide Susceptibility Rating	Step 2. Water-Induced Landslide Susceptibility Rating	Step 3. Activity Susceptibility Rating	Step 4. Cumulative Score
Points: __	Points: __	Points: __	Total Points: ____

- (5) *Step Five: Total Landslide Risk.* Determine the total landslide hazard risk from Table 810-1E. If the total landslide hazard risk meets or exceeds the thresholds for moderate or high landslide hazard risk set forth in Table 810-1E, a geological assessment, geotechnical report, or both, as applicable, shall be provided by the applicant, and the action specified therein undertaken or insured before any regulated activity may be permitted or approved.

TABLE 810-1E. TOTAL LANDSLIDE HAZARD RISK		
Cumulative Score (From Table 810-1D)	Landslide Hazard Risk	Requirement
4 or fewer points	Category A – Low	No Requirements
5 – 8 points	Category B – Moderate	Geologic Assessment/ Geotechnical Report
9 or more points	Category C – High	Geotechnical Report

- (b) After determining the total landslide hazard risk under subsection (a) of this section, the following shall be required:
- (1) Low landslide hazard risk. If application of Table 810-1E indicates a low landslide hazard risk, all regulated activities may proceed without further investigation, permitting, or approval required by this chapter.
 - (2) Moderate landslide hazard risk. If application of Table 810-1E indicates a moderate landslide hazard risk, a geological assessment shall be submitted for all regulated activities. If the geological assessment indicates that mitigation measures are necessary to safely undertake the regulated activity, a geotechnical report prepared by a certified engineering geologist and geotechnical engineer shall be submitted.

- (3) High landslide hazard risk. If application of Table 810-1E indicates a high landslide hazard risk, a geotechnical report prepared by a certified engineering geologist and geotechnical engineer shall be submitted for all regulated activities.

Applicant Response: Per the City of Salem Natural Hazard Mitigation Plan the subject property is not identified as an area susceptible to landslides. The criteria do not apply.

Sec. 810.030. - Standards for geological assessments and geotechnical reports. Geological assessments and geotechnical reports required under this chapter shall include the information required by this section.

- (a) *Geological assessment.* A geological assessment shall include information and data regarding the nature, distribution of underlying geology, and the physical and chemical properties of existing soils; an opinion as to stability of the site; and conclusions regarding the effect of geologic conditions on the proposed development. The geological assessment shall bear the stamp of a certified engineering geologist.
- (b) *Geotechnical report.* A geotechnical report shall include a comprehensive description of the site topography and geology; an opinion as to the adequacy of the proposed development from an engineering standpoint; an opinion as to the extent that instability on adjacent properties may adversely affect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed development; and specific requirements for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable development. The report shall provide other recommendations, as necessary, commensurate with the project grading and development. The geotechnical report shall bear the stamp of a certified engineering geologist and geotechnical engineer.

Sec. 810.035. - Certification of compliance.

No regulated activity requiring a geotechnical report shall receive final approval or be permitted for properties located in areas of high landslide hazard risk until the Director receives a written statement by a geotechnical engineer that all measures contained in the geotechnical report are completed, in place, and operable.

Applicant Response: A geotechnical report by GEO Consultants Northwest has been submitted with this application and serves as compliance with this subchapter. The criteria are met.

VI. CONCLUSION

Based upon the application materials submitted herein, the Applicant respectfully requests approval from the City's Planning Department of this application for a 138-lot residential subdivision.



MEMO

TO: Aaron Panko, Planner III
Community Development Department

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

DATE: November 2, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SUB21-09 (21-113071)
4540 PRINGLE ROAD SE
139-LOT PHASED SUBDIVISION**

PROPOSAL

A phased subdivision tentative plan to divide approximately 29.68 acres into 139 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

1. Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent.
2. Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent.
3. Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.
4. Increase the street spacing and connectivity standards in SRC Chapter 803 to allow the frontage along 12th Street SE between the northwest boundary and Drexler Drive SE, and the north boundary of the subject property between Mandy Avenue SE and Hilfiker Land SE, to exceed the 600-foot block length and 600-foot street connectivity standards.
5. Allow a section of sidewalk along 12th Street SE adjacent to the natural area to be constructed along the curblin instead of the property line.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

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

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Coordinate with City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.
2. Provide a 10-foot public utility easement along the street frontage of all internal streets.
3. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots.
4. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).
5. Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS.
6. All necessary (existing and proposed) access and utility easements must be shown on the final plat.

Phase 1 Conditions:

7. Construct Hilfiker Lane SE from the intersection with 12th Street SE to the intersection of Pringle Road SE and Battle Creek Road SE to Collector B Street standards and in compliance with PWDS. Hilfiker Lane SE at the intersection of Pringle Road SE and Battle Creek Road SE shall include an eastbound to northbound left-turn lane and an eastbound to southbound right-turn lane. The maximum street grade for Hilfiker Lane shall be 10 percent.
8. Construct a left-turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.
9. Construct internal streets to Local street standards, with the following exceptions: proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803 as shown on the application materials.
10. Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hillrose Street SE. Construct a three-quarter-street improvement along the frontage of Hillrose Street SE to Local street standards.
11. From Chaparral to the west line of tax lot 083W11BC03200, provide a 30-foot-wide public access easement along the south line of the subject property. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.

12. Provide a minimum 15-foot-wide pedestrian access easement and construct a minimum 10-foot-wide pedestrian walkway pursuant to PWDS between Hilfiker Lane SE and Ramsay Road SE through the proposed open space area.

Phase 2 Conditions:

13. Construct internal streets to Local street standards.
14. Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of 12th Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Construct a half-street improvement along the frontage of 12th Street SE to local street standards except as follows:
 - a. The street grade may exceed the standard of 12 percent by matching the existing grade of 12th Street SE.
 - b. The sidewalk may be located along the curb line abutting the open space area.

FACTS AND FINDINGS

Streets

1. Hilfiker Lane SE
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 40-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Condition—This street has an approximate 15-foot improvement within a 30-foot-wide right-of-way abutting a portion of the subject property.
2. Hillrose Street SE
 - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Condition—This street has an approximate 10-foot turnpike improvement within a 30-foot-wide right-of-way abutting the subject property.
3. Mandy Avenue SE
 - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

- b. Existing Condition—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

4. 12th Street SE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 20-foot improvement within a 30-foot-wide right-of-way abutting the subject property.

Water

1. Existing Conditions

- a. The subject property is located within the S-1 and S-2 water service level.
- b. A 12-inch water main is located in Hilfiker Lane SE.
- c. A 12-inch water main is located in Hillrose Street SE.
- d. An 8-inch water main is located in Mandy Avenue SE.
- e. A 6-inch and 8-inch water main is located in 12th Street SE.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Hilfiker Lane SE.
- b. An 8-inch sewer main is located in Hillrose Street SE.
- c. A 6-inch sewer main is located in Mandy Avenue SE.
- d. An 8-inch sewer main is located in 12th Street SE. The 8-inch main extends across the northwestern corner of the subject parcel, connecting to Albert Road SE to the north.

Storm Drainage

1. Existing Conditions

- a. A 10-inch storm main is located in Hilfiker Lane SE.
- b. A 10-inch storm main is located in Hillrose Street SE at the northeast corner of the subject parcel.

- c. A 10-inch storm main is located in Mandy Avenue SE.
- d. A 24-inch storm main is located in 12th Street SE.

Parks

The proposed development is served by an undeveloped park (Hilfiker Park) abutting the southern boundary of the subject property.

CRITERIA AND FINDINGS

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.010(d)(1)—The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

- 1. Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;**
- 2. City infrastructure standards; and**
- 3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

Findings—The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

A 10-foot-wide public utility easement is required along street frontages pursuant to SRC 803.035(n). As shown on the Wildridge subdivision plat, a one-foot-wide reserve strip is located along the north line of Hilfiker Lane SE. As shown on the Georgetown

subdivision plat, a one-foot-wide reserve strip is located along the southerly terminus of Mandy Avenue SE. As shown on the Dickson's Addition subdivision plat, a one-foot-wide reserve strip is located along the east line of 12th Avenue SE. As shown on the R.M. Tone Subdivision plat, a one-foot-reserve strip is located along the west line of Hillrose Avenue. The applicant shall coordinate with City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. The response from DSL indicates that they are currently reviewing a wetland delineation (WD2021-0342) for the project site. The applicant should contact DSL to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point and 3-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5 to 6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report. A Geotechnical Engineering Report, prepared by GEO Consultants Northwest and dated April 13, 2021, was submitted to the City of Salem with the subdivision application. This report demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties if constructed based on recommendations included in the report.

SRC 205.010(d)(3)—Development within the tentative subdivision plan can be adequately served by City infrastructure.

Findings—Water, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

The subject property is located within the S-1 and S-2 water service levels. Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. 2. A 10-foot public utility easement is required along the street frontage of all internal streets.

SRC 205.010(d)(4) and SRC 205.0010(d)(5)—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding—Hilfiker Lane SE is a future Collector street designated in the Salem TSP to be extended through the subject property. Based on topographic constraints, the maximum street grade for Hilfiker Lane SE shall be 10 percent. Pursuant to the applicant's Traffic Impact Analysis, Hilfiker Lane SE at the intersection of Pringle Road and Battle Creek Road SE shall include an eastbound to northbound left-turn lane and an eastbound to southbound right-turn lane, and the applicant shall construct a left-turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.

Proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803 based on topographic constraints. A pedestrian access easement as shown on the application materials shall be provided between Hilfiker Lane SE and Ramsay Road SE to mitigate the long block lengths, to be constructed at the time of Phase 1.

The subject property abuts 12th Street SE, Hillrose Avenue SE, and Hilfiker Lane SE. Pursuant to SRC 803.040, the applicant is required to convey land for dedication of a 30-foot half-width right-of-way and to construct a half-street improvement along the entire frontage of all abutting streets. The street grade along 12th Street SE may exceed the standard of 12 percent because the existing grade of 12th Street SE exceeds 12 percent. The sidewalk along 12th Street SE may be located on the curb line because of topographic constraints to limit the need for steep side slopes or retaining walls. The applicant shall construct a three-quarter street improvement along the frontage of Hillrose Street SE to Local street standards.

To accommodate future access to abutting properties along Hilfiker Lane SE, the applicant shall provide a 30-foot-wide public access easement along the south line of the subject property from Chaparral to the west line of tax lot 083W11BC03200. In order to preserve existing trees, no pedestrian improvements are appropriate at this time to serve future development. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.

SRC 205.010(d)(6)—The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Findings—The subject property is served by Hilfiker Park, which is an undeveloped park site located southeast of and abutting the subject property. To provide additional access to the park from Hilfiker Street SE, the applicant shall provide a 30-foot-wide public access easement along the south line of the subject property from Chaparral to the west line of tax lot 083W11BC03200. This easement may be used in the future for access to Hilfiker Park unless the future phase of the subject property is developed prior to the park development.

Construction of Hilfiker Lane SE through the subject property provides a needed east-west connection in the area, connecting the neighborhoods abutting Battle Creek Road SE and Pringle Road SE to Commercial Street SE. Bicycle and pedestrian access will be provided from within the subdivision to shopping areas and transit stops along Commercial Street SE and along Battle Creek Road SE and Pringle Road SE.

SRC 205.010(d)(7)—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.

Findings—The proposed 139-lot subdivision generates more than 1,000 average daily vehicle trips to the Collector street system. Therefore, a TIA was required as part of the proposed subdivision submittal. The applicant provided a TIA dated July 9, 2021, prepared by Kittelson and Associates that included the following traffic recommendations to mitigate impact to the transportation system:

- Construct a left-turn lane on Battle Creek Road SE with at least 50 feet of storage at the intersection of Pringle/Hilfiker/Hillrose. The left-turn lane shall include tapers and meet PWDS and sight-distance.
- Hilfiker Lane SE at the intersection of Pringle Road and Battle Creek Road SE shall include an eastbound to northbound left-turn lane and an eastbound to southbound right-turn lane

SRC 205.015(d)(2): Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

Findings—Phase 1 includes Hilfiker Lane SE, Ramsay Road SE, Aldridge Avenue SE, and Hillrose Avenue SE. This phasing plan allows for connection to Battle Creek Road SE with the first phase and provides access for heavy construction equipment from Battle Creek Road SE during construction of Phase 1. Phase 2 includes 12th

Street SE, Drexler Drive SE, Porter Place SE, McCollum Street SE, Mandy Avenue SE, and Walton Way SE. Public improvements can be constructed efficiently among all phases.

SRC 205.015(d)(3): Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

Findings—Public improvements serving each phase are substantially and functionally self-contained within each phase.

SRC 205.015(d)(4): Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

Findings—The subject property is located within the S-1 and S-2 water service levels. Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system, except as authorized by PWDS. The phasing plan allows for S-1 and S-2 water service to be taken from the appropriate service levels. All other infrastructure supports the phased subdivision as a whole.

RESPONSE TO CITIZEN COMMENTS

Traffic Safety—The applicant submitted a traffic impact analysis that demonstrated what improvements needed to be made to mitigate the traffic impacts from the proposed subdivision. All interior and abutting street are being constructed to meet PWDS, except where alternative street standards have been authorized.

Transportation and Connectivity—The City of Salem has recognized the lack of east-west connectivity in this area. The Salem TSP has long identified this extension of Hilfiker Lane SE as necessary to provide the missing east-west connectivity. The nearest east-west connections are Madrona Avenue SE and Kuebler Boulevard SE. The street was originally classified as a “Minor Arterial” street. The design of a “Minor Arterial” street has one travel lane in each direction with a center two-way left-turn lane, bike lanes, no on-street parking, and single-family residential driveways are not allowed. About 10 to 15 years ago, the neighborhood association requested the City to downgrade the street to a “Collector” street. The design of a “Collector” street is one lane in each direction, and bike lanes, with provisions for on-street parking (collector B), and single-family residential driveways are allowed.

Per the City of Salem Street Design Standards, the design speed for a “minor arterial” is 45 MPH, meaning the curves would be very flat and would encourage faster traffic along this extension of Hilfiker Lane SE. The design speed for a “Collector” street is 35 MPH, but the developer has requested a “design exception” to allow for a design speed of 25 MPH. At a design speed of 25 MPH, the curves are considerably sharper than for a “Minor Arterial” and will encourage slower travel speeds. The addition of on-street parking and driveways along the roadway will also naturally slow traffic along this route.

The City of Salem will be rebuilding the intersection of Hilfiker Lane SE and Commercial Street SE. The intersection will have a new traffic signal with eastbound and westbound left-turn lanes on Hilfiker Lane SE. This project is expected to be constructed in 2023-2024. The Traffic Impact Analysis accurately reflects the operational conditions of the improved intersection including the traffic generated from this site.

There will be additional traffic using this new connection between Commercial Street SE and Battle Creek Road SE but estimating that number of vehicles is impossible to predict. Those additional vehicles that will be traveling along the new extension of Hilfiker Lane, are existing traffic that is being diverted. These vehicles will alleviate congestion on Madrona Avenue SE, Kuebler Boulevard SE and will certainly reduce the number of vehicles that currently cut-through the residential neighborhood using Suntime Drive SE, Mandy Avenue SE, and Albert Drive SE.

This development is not responsible for mitigating existing traffic issues; they are required to mitigate the impacts from their development. The traffic counts used in the analysis is the best information available. Given the on-going COVID-19 Pandemic, traffic volumes have decreased. Kittelson & Associates used the best methodology to adjust traffic volumes upwards to account for Pandemic traffic. The traffic volumes were adjusted upwards on Battle Creek Road SE by 41 percent and by 24 percent on Commercial Street SE. They were additionally grown by 1.5 percent per year to reflect general background growth of traffic in Salem.

The improvements at the intersection with Battle Creek Road SE and Hilfiker Lane SE will be constructed to ensure there is adequate sight distance for the vehicles turning left from Battle Creek Road SE, as well as vehicle turning onto Battle Creek Road SE from Hilfiker Lane SE.

Stormwater—The applicant's engineer is required to demonstrate that there is no increase in stormwater runoff from the subject property based on a variety of storm frequencies up to a 100-year storm. All stormwater infrastructure, including flow control and treatment facilities, will be constructed pursuant to PWDS.

Parks—The subject property is served by Hilfiker Park, which is an undeveloped park site located southeast of and abutting the subject property. Though many neighborhood comments express a desire for the subject property to be used as park land, there is no regulatory authority to require that the applicant dedicate all or a portion of the subject property to the City for use as park land. Recent park acquisitions in the area include a community park in the Fairview Development District to the north and a neighborhood park near the intersection of Reed Road SE and Battle Creek Road SE.

Prepared by: Jennifer Scott, Program Manager
cc: File



DAVID FRIDENMAKER, Manager
 Facility Rental, Planning, Property Services
 3630 State Street, Bldg. C ● Salem, Oregon 97301-5316
 503-399-3335 ● FAX: 503-375-7847

Christy Perry, Superintendent

September 29, 2021

Aaron Panko, Planner
 Planning Division, City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301

RE: Land Use Activity Case No. SUB21-09, 4540 Pringle Rd SE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Morningside/Pringle	Elementary	K thru 5
Leslie/Judson	Middle	6 thru 8
South Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Morningside/Pringle	Elementary	275/501	432/663	64/76%
Leslie/Judson	Middle	757/905	944/1.059	80/85%
South Salem	High	2,223	2,248	99%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	120/18	SF	0.194	23/3
Middle			0.101	12/2
High			0.143	20

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Morningside/Pringle	Elem.	275/501	69/41	23/3	92/44	432/663	85/82%
Leslie/Judson	Mid.	757/905	32/71	12/2	44/73	944/1.059	85/92%
South Salem	High	2,223	129	20	149	2,248	106%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the

sidewalks should be wider to accommodate the number of students that would be traveling the path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Morningside/Pringle	Elementary	Eligible for School Transportation
Leslie/Judson	Middle	Walk Zone / Eligible for School Transportation
South Salem	High	Eligible for School Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	26	\$60,840	\$1,521,000
Middle	14	\$72,735	\$1,018,290
High	20	\$84,630	\$1,692,600
TOTAL			\$4,231,890

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2021 First Quarter.

Sincerely,



David Fridenmaker, Manager
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Director – Custodial, Property and Auxiliary Services, T.J. Crockett, Director of Transportation



Morningside Neighborhood Association

September 24, 2021

City of Salem
Planning Division
555 Liberty Street SE
Salem, OR 97301

Application for 2 Phase, 138-Lot Single Family Residential Subdivision at 4540 Pringle Rd SE
Subdivision Case No. SUB21-09

Attention: Aaron Panko, City of Salem Planning Division

The Board of the Morningside Neighborhood Association hopes that the Meyer Farm property can continue to remain as dedicated open space, possibly with public access and bicycle or walking paths through this delightful property. It could become a possible extension of the existing and adjacent Hilfiker Park. We also have significant concerns about the proposed plan for subdividing this property. Those concerns focus on Traffic, Tree Preservation, & Tree Removal as described below.

Traffic

Traffic Impact Study Concerns

Our primary traffic concerns are the safety of the Hillrose St SE (Hillrose) & Battle Creek Rd SE (Battle Creek) intersection and the congestion at the Hilfiker Ln SE (Hilfiker) & Commercial St SE (Commercial) intersection. As the new Hilfiker/Hillrose section will be the only direct east/west connection between the Kuebler Blvd connection to the south and the Madrona Ave SE connection to the north, it won't only handle traffic from the new housing development, but also existing traffic that finds this to be a more convenient east/west route. The Traffic Impact Study doesn't appear to take this into account. It also doesn't appear to factor in any traffic from other planned developments in the area. There are hundreds of new residential units in the surrounding area already approved and the relocated Costco will increase Battle Creek traffic when it opens.

Hillrose & Battle Creek Intersection Concerns

The limited visibility at the Hillrose & Battle Creek intersection is already an issue, especially if turning left onto Battle Creek from Hillrose. The hill and curve on Battle Creek just south of Hillrose limit visibility and makes a left turn from Hillrose onto Battle Creek risky for both the turning car and the approaching car. As this section of Battle Creek is two lanes only, without a center turn lane, cars must turn directly into the path of oncoming traffic and the speed limit

here is 40 mph. Also, cars turning left onto Hillrose from Battle Creek are at risk of being hit from the rear by northbound traffic. We strongly recommend that the improvement of this intersection be required as part of the road project. At a minimum, Battle Creek should be widened to include a center turn lane and to improve visibility around the curve.

Hilfiker & Commercial Intersection Concerns

The intersection of Hilfiker & Commercial is already congested and the congestion will increase considerably when the new section of Hilfiker/Hillrose connects Commercial with Battle Creek. There is neither a left turn or right turn lane on either side of Commercial at this intersection and traffic already backs up on the east side of Commercial past the entrance to Walgreen's and Trader Joes. Traffic also already backs up on Sunnyside Rd SE while trying to get onto the short section of Hilfiker west of Commercial. Cars often have to sit through two light changes to get through this intersection in either direction. We strongly recommend that widening Hilfiker and improving the intersection at Commercial both be required as part of the road project.

Tree Preservation

There is a large diameter Oregon White Oak (tree #3194), a protected tree under the code, that is in the pathway of the proposed collector and proposed be removed. The curve radius of the collector near 12th St should begin earlier so as to avoid removal of this protected Significant Tree. This would be consistent with code when a reasonable design alternative exists. The collector should be shifted enough so that the required silt fencing which marks the protective zone around the Significant Tree is maintained throughout duration of construction of the collector, include grading, excavation, and installation for the adjacent sidewalk and entire right of way. The smallness of most of the proposed lots will prevent growth and longevity of residential trees that would otherwise add to future tree canopy and reduce energy needs for summer cooling.

More importantly there are serious discrepancies in the tree table regarding large significant Oaks etc.

The Tree Table (see below) claims one set of sizes and the Arborist notes the trees are significantly larger than claimed.

After studying the plan and the report, we think the best way to protect the "Significant" trees in the grove and farmstead area is to delay construction on the nine lots containing the trees to be left until such time the subject trees become hazardous, are severely damaged (ice, wind) or die. All lots referred to are bordering the 3.64 acre "Area to Remain." If the trees are accurately mapped, the affected lots are numbers 40, 41, 56, 57, 61, 62, 63, 64 and 65. These

could be used for neighborhood access to the Farmstead if it is indeed used as an outdoor education center and open space.

Another “Significant” Oak tree, (tree #4156) located in the Open Space next to 12th Street should be protected by a retaining wall which would allow more fill in the current grade dip at the Lansford Dr. intersection, and other measures to reduce the steepness of the road grade and improve sight distance on the to-be-widened street. It may also be a good idea to delay construction on the lots fronting on 12th Street, and consider re-design lots 65, 66 and 67 so they have a shared driveway.

In addition to the traffic and tree concerns, its great density is inconsistent with our part of the neighborhood. With such small lots, all the homes will need to be two story, there will be too many driveways and too little home frontage. The great views north from the farm will be obliterated. The “snake” design of a new Hilfiker invites faster speeds through the dense residential areas: more of a grid layout of the streets with Stops at every intersection would discourage motorists using the neighborhood as a short-cut between Pringle/Battle Creek and Commercial.

In addition to the minimal size of the lots, the miniscule size of Phase 1 makes one believe they will not carry thru on the time schedule with the rest of the development, and even more traffic will be added to the currently overused routes to Commercial and to Pringle (Suntree, Mandy, Albert, 12th, Lansford, Kampstra and Hilfiker) before any improvements are made to handle the additional traffic.

Tree Removal

The Proposal is for removal (felling) of up to 70% of the existing trees. The Tree Plan is dated 2021 but it seems as if it is an outdated one. The ordinance requires a new Tree Survey conducted in the last 6 months. However, the Arborist report says that the trees are actually a much larger diameter, and up to twice the claimed size. This is a very serious error.

A better, and more responsible approach, especially for a pristine property, would be to honor what the City is trying to achieve, i.e. preservation of significant trees. The Planning Commission has been discussing a figure of (1) 40% to 50% tree preservation, (2) preservation of large trees of other species and including them as “significant” plus (3) requiring the tree cover and root lines to be protected (by fencing) during construction, from damage and compaction by heavy equipment.

It should be the responsibility of the applicant to respect these 2021 City goals and standards even while the ordinance is still being finalized. Of course, the applicant could maintain that they will use the previous standards until new ones are final, but they have a moral

Morningside Neighborhood Association

responsibility to respect the City tree preservation goals and policies and go the extra mile to do a good job in designing a responsible layout that saves the trees.

Here is a spreadsheet showing serious discrepancies between the measurements of “significant” trees in the developer’s Tree Table and those made later on same trees by the other arborist (Teragan and Associates).

Tree No	Location		Tree Species	DBH		DBH Var - Emro vs Trgn		Condition		Structure (Teragan)	Recommended		Basal Area Sq.In.		BA Var - Emro vs Trgn	
	Quadrant	Phase		Emerio	Teragan	Inches	%	Emerio	Teragan		Emerio	Teragan	Emerio	Teragan	Sq. In.	%
2579	SW	2	Oak	32	38	-6	-16%	?	fair	fair	retain	remove	804	1134	-330	-29%
2727	SE	2	Oak	38	48	-10	-21%	?	poor	poor	retain	retain	1134	1810	-675	-37%
2729	SE	2	Oak	24	27	-3	-11%	?	good	fair	retain	retain	452	573	-120	-21%
2739	SE	2	Oak	24	27	-3	-11%	?	poor	poor	retain	retain	452	573	-120	-21%
2793	SE	2	Oak	24	28	-4	-14%	?	good	good	retain	retain	452	616	-163	-27%
2796	SE	2	Deco/Oak	24	27	-3	-11%	?	fair	fair	retain	retain	452	573	-120	-21%
2815	SE	2	Oak	28	34	-6	-18%	?	fair	poor	retain	retain	616	908	-292	-32%
2822	SE	2	Oak	44	50	-6	-12%	?	good	fair	retain	retain	1521	1964	-443	-23%
2823	SE	2	Oak	24	32	-8	-25%	?	good	fair	remove	remove	452	804	-352	-44%
2824	SE	2	Oak	26	33	-7	-21%	?	good	fair	retain	retain	531	855	-324	-38%
2832	SE	2	Oak	24	30	-6	-20%	?	very poor	very poor	retain	remove	452	707	-254	-36%
2836	SE	2	Oak	30	34	-4	-12%	?	good	fair	remove	retain	707	908	-201	-22%
3084	SE	2	Oak	28	32	-4	-12%	?	good	fair	retain	retain	616	804	-188	-23%
3109	SE	2	Oak/D-flr	28	32	-4	-12%	?	good	fair	retain	retain	616	804	-188	-23%
3194	SW	2	Oak	24	27	-3	-11%	?	good	fair	retain	retain	452	573	-120	-21%
3123	SE	2	Oak	10	42	-32	-76%	?	fair	fair	remove	remove	79	1385	-1307	-94%
3217	SW	2	Oak	24	30	-6	-20%	?	fair	fair	retain	retain	452	707	-254	-36%
3228	SW	2	Oak	32	34	-2	-6%	?	fair	fair	remove	remove	804	908	-104	-11%
3251	SW	2	Oak	24	29	-5	-17%	?	fair	fair	retain	retain	452	661	-208	-32%
3360	SE	2	Oak	24	29	-5	-17%	?	good	fair	retain	retain	452	661	-208	-32%
3446	SE	2	Oak	24	28	-4	-14%	?	poor	poor	retain	retain	452	616	-163	-27%
4466	SW	2	Oak	30	33	-3	-9%	?	good	fair	retain	retain	707	855	-148	-17%
4468	SW	2	Oak	24	31	-7	-23%	?	good	fair	retain	retain	452	755	-302	-40%
4470	SW	2	Oak	24	29	-5	-17%	?	good	fair	retain	retain	452	661	-208	-32%
4472	SW	2	Oak	24	29	-5	-17%	?	poor	poor	retain	retain	452	661	-208	-32%
4473	SW	2	Oak	24	25	-1	-4%	?	poor	poor	retain	retain	452	491	-38	-8%
4500	SW	2	Oak	36	37	-1	-3%	?	fair	fair	retain	retain	1018	1075	-57	-5%
4574	SW	2	Oak	28	33	-5	-15%	?	good	fair	retain	retain	616	855	-240	-28%
4721	SW	2	Oak	28	31	-3	-10%	?	good	fair	retain	retain	616	755	-139	-18%
4806	NW	2	Oak	24	28	-4	-14%	?	good	fair	retain	retain	452	616	-163	-27%
4919	NW	2	Oak	28	36	-8	-22%	?	good	fair	retain	retain	616	1018	-402	-40%
4923	NW	2	Oak	28	32	-4	-12%	?	fair	fair	retain	retain	616	804	-188	-23%
4958	NW	2	Oak	24	28	-4	-14%	?	poor	poor	retain	retain	452	616	-163	-27%
All trees	All Trees	All 2	Avg	27	32	-5	-16%						585	839	-254	-29%
	#Trees			33	33											
	Retain	All 2	Avg	28	33	-5	-16%						617	846	-238	-28%
	#Trees			29	28											
	Remove	All 2	Avg	24	29	-5	-18%						511	823	-313	-29%
	#Trees			4	5	1										

Morningside Neighborhood Association

In summary, the Board of the Morningside Neighborhood Association hopes that the Meyer Farm property can continue to remain as dedicated open space, possibly with public access and bicycle or walking paths through this delightful property. It could become a possible extension of the existing and adjacent Hilfiker Park. We also have significant concerns about the proposed plan for subdividing this property. Those concerns focus on Traffic, Tree Preservation, & Tree Removal as described above.

Submitted for the Morningside Association Board

Pamela Schmidling, Chair

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HISTORY & LEGACY



Since 1947, the Meyer family has owned and protected this unique 30-acre farm located just minutes from the Oregon State Capitol building in Salem.

The Meyer Family Farm is believed to be the largest remaining undeveloped urban farm in Southeast Salem.

It is the original homestead resulting from a patent issued by The Donation Land Claim Act of 1850 settled by an Oregon Trail pioneer.

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Chain of Settlers

Township 8 South Range 3 West, Section 11, Lot 2, Willamette Meridian

Kalapuya Native Americans

Joseph Waldo

Fabritus R Smith

Walter T. & Ella McNary Stolz, Lenta D. Stolz Westacott, Jonathan E. Bourne

James E & Nannie Suttle Foster (and 2nd wife Grace Mustard Foster)

Henry A & Marian L Meyer

Henry A Meyer Revocable Living Trust

I. Original Native American Settlers

The modern history of the Meyer Family Farm's environmental, cultural, and economic characteristics can be traced to the Willamette Valley's sole occupants for thousands of years, the Kalapuyan Native Americans, who lived and played in its oak savanna and wetlands, fished Pringle Creek — which runs through the property, hunted deer, waterfowl, rabbits, squirrels, quail, grouse, and beaver, and gathered acorns, seeds, berries, and other fruits and roots such as potatoes and camas bulbs in its woodland and prairie. Independent researcher Robert Boyd estimates from 1805-1830 the total Kalapuyan population between 8,780 and 9,200.^[1]



Chief Quinaby c 1870

II. Donation Land Claim Act of 1850 Drives Settlement in Oregon



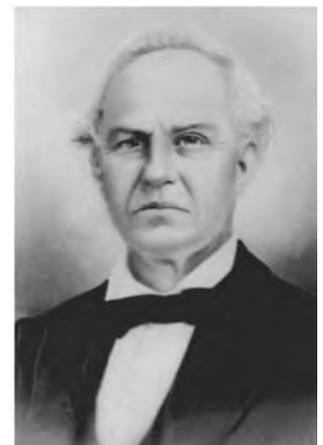
Pioneers traveling the Oregon Trail

With the Preemption Act of 1841 inspiring many to travel the difficult journey west with the promise of a new life for farmers, tradesmen, and missionaries, pioneers were permitted to settle on public land and stake their claim. In July 1843, the Provisional Government of Oregon, made up of mostly American settlers, provided a means to claim up to 640 acres, a full square mile. Oregon became a US territory in 1848. The Donation Land Claim Act enacted by the 31st United States Congress, became law on September 27, 1850.^[2]

Successful claimants were required to reside and make improvements on the land for four years in order to gain legal title to the property. By 1856 more than 7,000 settlers had acquired over 2.5 million acres of property in Oregon, free of charge. Every unmarried white male citizen 18 or older could receive up to 320 acres and every married couple, each owning half of the total grant under their own names, could receive a total of 640 acres. The law allowing married women to hold property under their own name was one of the first in the United States. Due to the westward expansion of the white settlers, the Kalapuyan population was tragically affected by the catastrophic epidemics of malaria, smallpox, and other diseases brought to the territory and they were forced to move to the Grand Ronde Reservation on the eastern side of the Coast Range in Polk County in 1856. On February 14, 1859, Oregon became the 33rd state admitted to the Union.^[3]

III. Joseph Waldo Travels the Oregon Trail with Fabritus Smith in 1846, Pringles Follow

Joseph Waldo, who followed in his brother Daniel Waldo's footsteps who traveled the Oregon Trail in 1843. made plans for his own journey with hired hand Fabritus Reynolds Smith, originally from Rochester, NY, as the driver of their ox wagon team. Together, Joseph and Fabritus left Missouri in the spring of 1846 and arrived in Oregon City four



Joseph Waldo

months later. Roy V Ohmart, son of Velleda Smith Ohmart and grandson of Fabritus Smith, writes as published in Marion County Historical Society Marion County History, Vol 6" (1960) "As Waldo had been associated with his brother Daniel Waldo in freighting on the Santa Fe route, his experience enabled them to make good time and they arrived in Oregon City on September 3, 1846."^[4]



Downtown Salem, Oregon c early 1900s

In "Book of Remembrance of Marion County, Oregon Pioneers 1840–1860" (1927) author Sarah Hunt Steeves writes, "When the Pringle family reached the top of the last hill, overlooking the present city of Salem, and saw the three-story Willamette Institute and the parsonage, both painted gleaming white, surrounded by the lovely valley, they really felt as if they had a view of paradise. This was Christmas day, 1846" when "The Pringle family first took up land near Stayton, then finally settled just south of Salem, on the creek that bears his name."^[5]

IV. Surveyors' Field Notes Report Oaks on Property

In early 1852, deputy surveyor William Ives and his team's field notes describe the area's terrain as "Land gently rolling. Soil is first-rate clay loam and part stoney. Timber, W Oak, and Fir Opening ..."^[6] Their field notes indicate several oaks and their diameters which could be traced to the trees still growing on the Meyer Family Farm. The Willamette Valley's climate and Jory soils, as described, provided an ideal setting for farming of many crops, including Christmas trees, various berries, filberts (hazelnuts), sweet corn, wheat, and many varieties of grass seed, all of which grew on this land over the last 150 years. Much of the time was devoted to raising sheep, cattle, and pigs.

In "Reflections on the Jason Lee Mission and the Opening of Civilization in the Oregon Country," (1971) Lewis Judson tells us before the 1851 setting of the Willamette Stone in the hills west of Portland which provides the base for all surveys, much of "Oregon Country," including the Willamette Valley, "was usually started at a tree, rock, or stake. Often the tree would be marked with a letter."^[7]



April 22, 1852 Survey - T8SR3W: Waldo Claim/Meyer Family Farm

V. Meyer Family Farm Neighborhood — Smith-Ohmart House

Judson further explains Alanson Hinman's 1846 claim was transferred to Charles Craft in 1847 who sold and transferred the squatter's right to Fabritus Smith the same day.^[8] Ohmart notes in his account that Craft was Smith's employer at the sawmill and Smith "boarded with the Craft family, sleeping in a nearby cabin" ... The property "was almost a square mile, the north line being the present McGilchrist Street and the east line the present 12th Street" ... "When the state road was changed to the present route of South Commercial Street and 99E, a new frame house was built near it in 1854. This house was east of the new road on the present line of Waldo Avenue. Here, in a house that stood a few feet from the existing home, three children, Velleda (Smith Ohmart), Hamlin F., and Clara E. were born, all surviving to old age."^[9]

In an article published in The Oregon Statesman, March 28, 1926, South Salem All in Woods, This Period Recalled by Mrs. Ohmart; Only One Fence Then, Velleda Ohmart shared, "I remember when the country was all timber and open land from the top of the present south Salem hill to town and there was only one fence in the whole thing. I remember that fence very well because my brother used to come to meet me as I was coming home from school and I would climb on that rail fence to get on his horse." She described farm life as, "Small crops of grain were raised, but most of the time was devoted to raising sheep and cattle. A ready market was found for meat and wool and horse raising was also popular as good horses were always in demand." And she recalled, "Chief Quinaby was a great friend of the whites and was always sure of a warm welcome when he visited their homes."^[37]

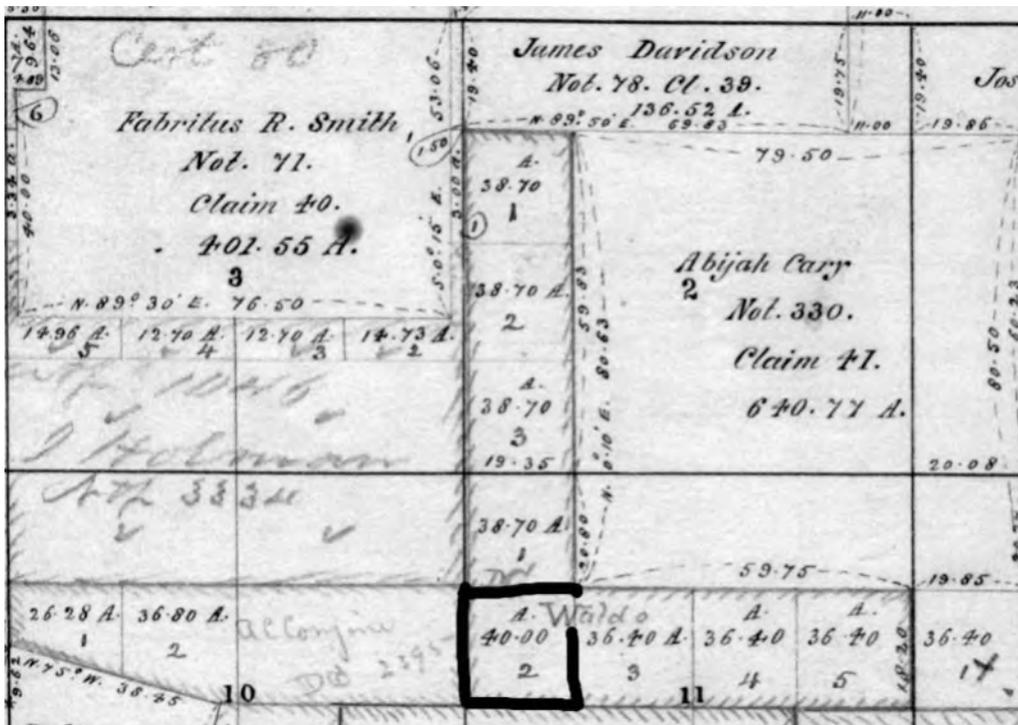


Smith-Ohmart House c 1924

Ohmart (Roy) recalls his grandfather Smith as "a progressive and careful farmer and stock breeder, always alert to the latest methods and improved machinery" who "together with the late John Minto imported Merino sheep" and "kept Jersey cattle, Berkshire hogs, and many fine horses."^[10] Judson describes Smith as becoming "a man of much value as a public-minded citizen of growing Salem" and who "served in the State Legislature and on the local school board. He was for many years a member of the boards of trustees of both Willamette University and the First Methodist Church and was useful in many official and semi-official positions for the greater portion of his life."^[11] The 1870s Italianate Smith-Ohmart House on E. Nob Hill St, SE was added to the National Register of Historic Places in 1979.^[12]

VI. Joseph Waldo Homesteads the Future Meyer Family Farm Property

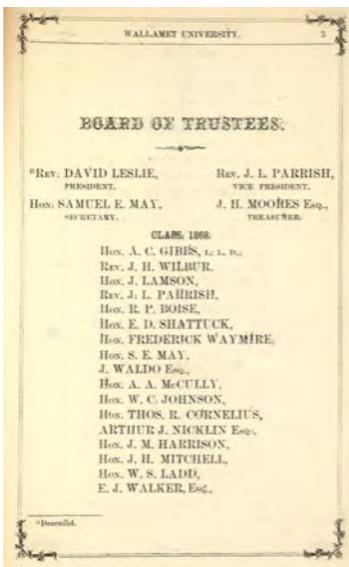
On November 27, 1847, Joseph Waldo staked his historic claim to the rich and still sparsely settled Willamette Valley lands — specifically, 304 acres at the location of Willamette Meridian Township 8 South, Range 3 West. (Provisional Land Grant Record 62705, Vol 6) Waldo's 1852 Donation Land Claim No. OC3308 was divided into eight, nearly equal lots of 36-40 acres each in T8S R3W Sections 2 and 11,



surrounded by other claimants and dear friends Fabritus and Virgilia Pringle Smith, Abijah and Sophia Cary, James and Amelia Davidson, Clarke and Catherine Pringle, Virgil and Pherne Pringle, Joseph and Sarah Ann Smith, Joseph and Elmira Holinan, Cyrus and Lucinda Reed, and John and Martha Ann Minto. The 30-acre Meyer Family Farm is Joe Waldo's Section 11 SWNW Quarter Lot 2.^[13]

The 30-acre Meyer Family Farm is Joe Waldo's Section 11 SWNW Quarter Lot 2, Plat_334034 August 1855

VII. Waldo and Other Notable Pioneers



Though Joseph Waldo's biography is incomplete, we know he became a prosperous and well-known Salem community member, successful farmer, adored by children, and a respected board of trustees member of Wallamet University (now Willamette University) — the oldest university in the western United States, established in 1842. Beloved so much so, that Judson tells us, “Waldo Avenue was named for Joseph Waldo, brother of Daniel, who came to Oregon in 1846. Joseph never married. Liberal with his funds, he helped many young people gain an education. He was known as “Uncle Joe” to those he befriended, and he occupied a position of the highest respect.”^[14]

For the settlers, helping their neighbors was a way of life that was critical to their survival. We know Joseph was no exception. Marion County census records for 1870 show Joseph Waldo, 65, as head-of-household, farmer, housing Lucian B. Fullerton, 38, (Virgil Pringle's nephew and Charles Fullerton's younger brother) also a farmer, and his wife Sarah Minto Fullerton, 28, a housekeeper, and their daughters Emma, 8 (died 1873) and Olive, 9 (died in 1874).^[15] Each pioneer family had something to share, building a strong sense of community.

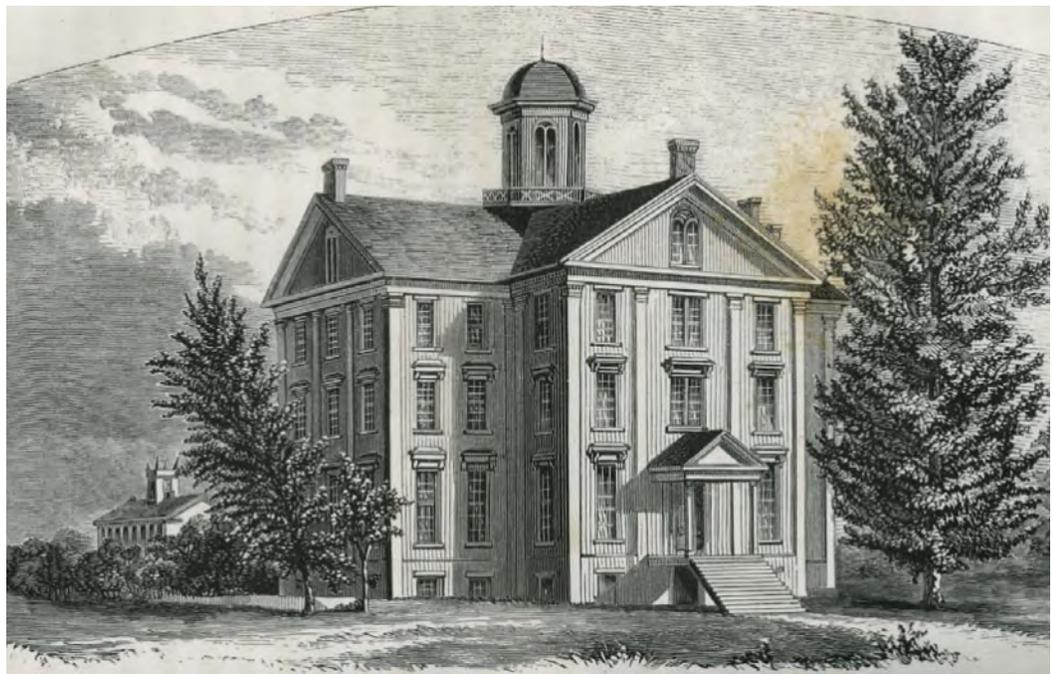
On Tuesday, November 21, 1905, John Minto IV writes in the Weekly Oregon Statesman, Sixty Years Ago, “The lynx and wild cat were sometimes very destructive on lambs and small pigs where their drinking place was in bush cover. Some thirty five-years ago [1870] when the small wolf refused to take poison, Joseph Waldo, then my neighbor set out to find hounds. He did not ask the quality of the hound only if

his owner was tired of him. He soon collected eleven dogs and stationed them out in our neighborhood. We took our best saddle horses and horns and guns and killed two coyotes the first day and eight within the week, and had lots of fun besides. — J.M.”^[16]

Ellen Jennette Chamberlin wrote “Pleasant Memories” circa early 1900s documenting her life. She wrote of her family's journey to Oregon from Michigan in 1857 when she was a child. Traveling to New York to take the SS *Illinois* to the Isthmus of Panama, then aboard the *John L Stevens* to San Francisco, and the final leg on the *Columbia* “ended with thankful hearts when we crossed the bar, and entered Oregon, our desired haven, on the broad Columbia river.”^[17]

Chamberlin describes her formative years at Wallamet University in great detail and with much gratitude. She notes, “among the students of those days were some who, in later years, played a prominent part in the history of our state: Frederick Schwatka, distinguished explorer of Alaska and the Artic regions; Sylvester Simpson and his gifted brother Samuel, whose ‘Beautiful Willamette’ and other poems, won for him the title of Oregon’s Poet Laureate; and John B Waldo (Joseph’s nephew) a Justice of the Supreme Court of Oregon. Their faces became familiar to me in the chapel services. One sweet-faced girl I recall, always stood by the piano, to assist in the singing, with the choir. They called her Fannie Willson. Today her children and grandchildren refer to her by the endearing name of “Grandma” and cherish the memory of Mrs. JK Gill” as Frances A Willson married Joseph Kaye Gill, American retailer, publisher, and founder of JK Gill Company.^[18]

Appearing in *The Sunday Oregon*, June 23, 1918, *Memoirs of 50 Fruitful Years*, Address to Alumni by Miss Ellen Chamberlain, an 1868 alumna of Wallamet University, recalled the dedication of the school's 1867 Waller Hall when the school community “marched” from the old school building to the new and her fondness of Joseph Waldo, “In the midst of that group, his silver-crowned head leaning upon his cane, sat one of Old Willamette’s staunchest friends, In fact, a friend to everybody he seemed, for everybody called him



Waller Hall, 1868
From *Oregon and Its Institutions; Comprising a Full History of the Willamette University.*
By Gustavus Hines, Carlton & Porter, 1868.

'uncle' Joe Waldo. A welcome guest into every home, bringing good cheer by his sunny presence, he trod the highways and byways of life performing many a deed of kindness, speaking words of encouragement to those of troubled hearts.”^[19]

Chamberlin wasn't the only person writing about Waldo. Neighbor James (Jay) W. Cox's original manuscript written about 1914 and published in "Marion County Historical Society Marion County History, Vol 3" (1957), recalls his home "on a farm a few miles south of Salem, and one of the events of my boyhood was when some of the 'folks from town' came out to make us a visit."^[20] He writes, "Another family whose names are associated with my earliest recollections were the Waldos. Uncle Dan, everybody knew. His name is writ on the everlasting hills in one of the fairest spots in Oregon. But the one whose visit was hailed with the greatest delight by us children was Uncle Joe Waldo, a brother of Uncle Dan. He was just 'Uncle Joe' to every child in the country; he lived and died a bachelor, but in his sunny heart there was room for love for every child he met. An epoch in my life was when Uncle Joe arrived at our house at night fall, with his budget of kindly gossip. (There were no daily newspapers in those days). That was forty years ago, but Uncle Joe's snow white hair, kindly face and thin piping voice are as familiar to me as though it were yesterday."^[21]

VIII. Meyer Family Farm Pre-Civil War Barn Raise in 1854

In *The Impact of the Donation Land Law Upon the Development of Oregon* (1994), Elwin E Grout writes about Salem's early pioneers and their economy. "The market activities of farmers on the Oregon rural frontier indicate that providing for the family was their primary concern. This was accomplished with help from the rest of the community. Each household provided something necessary for the community, whether it was agricultural labor, or goods or services. Households developed an interdependence. Labor pools, secondary occupations, labor exchange, and economic interdependence all served to bind the households into a community."

Virgil Pringle, for example, was a mason who worked frequently in the winter of 1853 making chimneys for his neighbors. Grout points out that a good barn was crucial for a successful working farm and because significant labor and resources were required to raise a barn, it was essential for neighbors to pitch in to help one another. The neighborhood raised more than 12 barns between 1854 and 1855, including, we might conclude from Smith's diary too, the 1854 barn, hay loft, and lean-to on the Meyer Family Farm.^[22]



Waldo's 1854 barn, loft, and lean-to currently on the Meyer Family Farm

IX. Fabritus Smith Diaries, 1854–1858

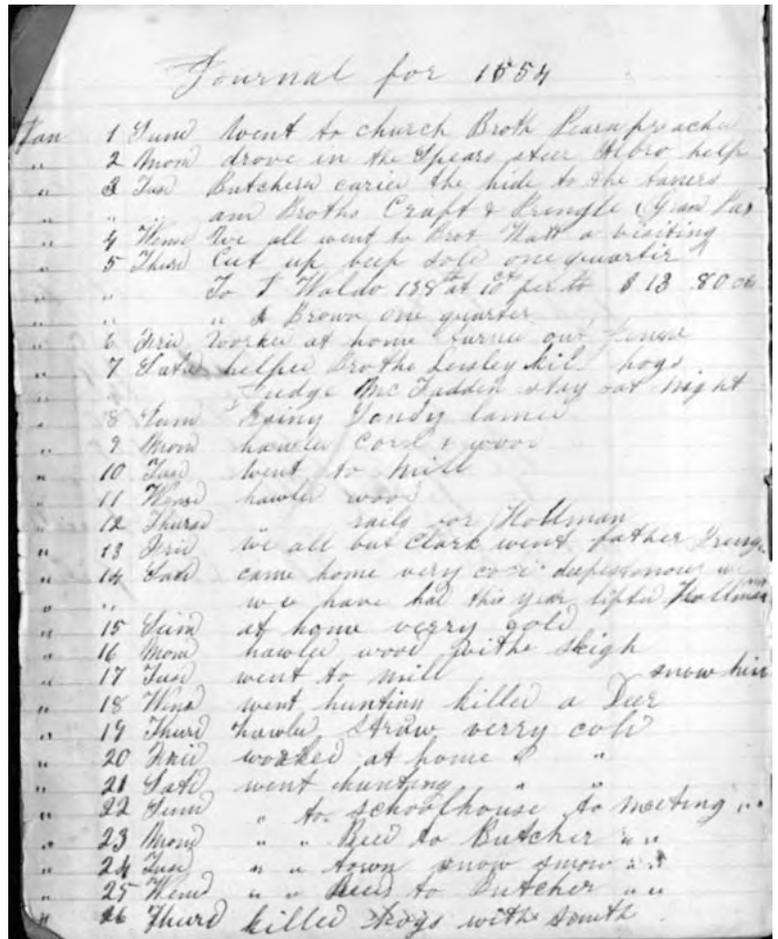
Fabritus Smith's diaries and financial ledgers housed at the University of Oregon's Special Collections and University Archives confirm these accounts. In his "Book-Keeping Account Book for the Farmer" diary, Smith accounts his daily activities in 1854 and 1855 and keeps a cash ledger for 1856 and 1858.^[23] Some of the activities noted in his diary include: the day's weather conditions; raising cattle, sheep, hogs, and chickens; hunting and breaking horses; fixing and moving fences; going into town for the butcher and mill; attending meetings and Sunday church; tending the orchard, gardens, and fields;

planting and harvesting potatoes, cabbage, corn, onions, oats, timothy grass, and wheat; planting melons in the fruit garden; using horses to plow the oats; thrashing and cleaning the wheat; branding his calves; driving cattle; hunting for deer and cougar; killing his hogs, sheep, and cattle; working on the barn, its cellar, and hen house; tending his smoke house; staying home and writing letters; and serving six days as a juror. Smith sold beef to his neighbors including Waldo for 10 cents per pound, hauled wood in winter with a sleigh, helped his neighbors mend their fences, barns, and wagons, hauled lumber, branded animals, loaned out his horses and wagon, and raised new barns. Waldo, Craft, Watt, Holinan, Minto, Pringle, Carey, Fullerton, Patterson, Reed, Townsend, Davidson, and a cousin David, the first relative to visit him in Oregon in 1855, are all mentioned.

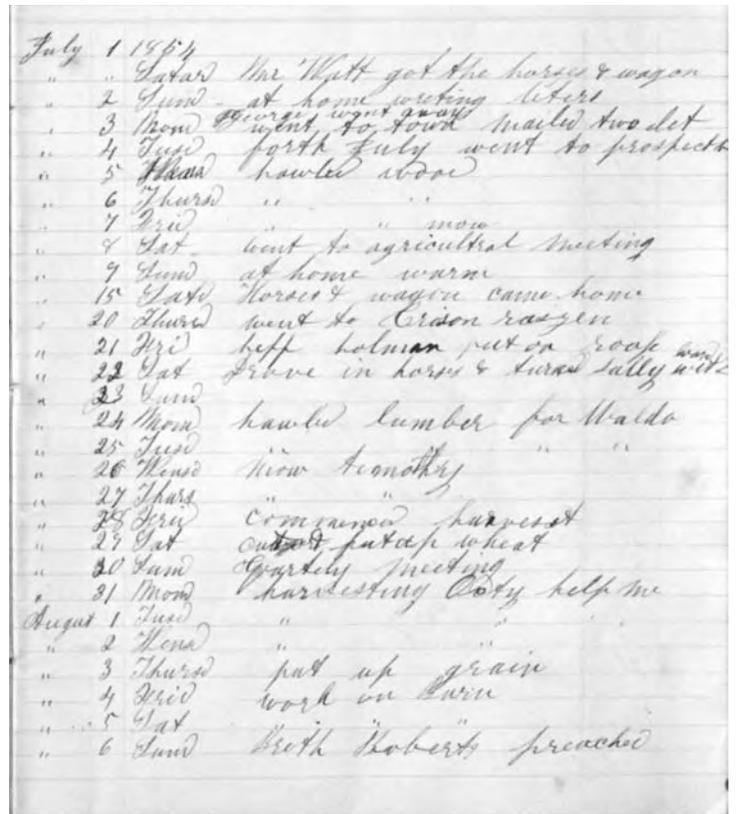
Due to a backlog in the Oregon City survey office, Waldo's formal patent was issued posthumously on June 13, 1873 and recorded on May 1, 1875, and was acquired by Smith. A copy of the original patent resides with Fabritus Smith's diaries [A191, 35025042868170] at the University of Oregon's Special Collections and University Archives, with BLM GLO Records, and Marion County Clerk's Office Licensing and Recording.^[24]

X. Waldo Dies, Smith Obtains Property

The original story ends when after 25 years in Oregon, Waldo died on November 24, 1871 while on a trip to Virginia to visit his sister.^[25] A letter written by Waldo's nephew, Oregon F Morgan to Smith, on Dec 3, 1871 says, "It was very unexpected to all of us and Uncle Joe, himself. ... He had all the leading physicians of the place and the very best care, but all to no purpose. ... The disease appeared to be of the stomach, suffering terribly, and screaming for help."^[26]



Smith's January 1854 Diary entries



Smith's July 1854 Diary entries

Waldo's Last Will and Testament reads,

"I, Joseph Waldo of Salem, State of Oregon, make this my Last Will and Testament. I will to my sister Betsy Morgan now living in Marion County, West Virginia, one Gold Draft left with her by me — also Ten thousand dollars in currency drafts, also now in her possession — also some Four hundred and Fifty dollars cash now also in her possession — also about One hundred dollars cash, which I handed to Nathan Goff where I am sick. My said sister is to pay all Doctor's bills and funeral expenses, and also Five hundred dollars to Mary Martin, Henry Martin's blind daughter. The above devise to my sister Betsy Morgan is for her sole and separate use and benefit under her sole controls and free from the debts, liabilities, and control of her husband Jacob Morgan. The above named Gold Draft is for One thousand dollars, all remainder and residue of my Estate, both Real and personal, I wish to be equally divided among my legal heirs according to the Laws governing the distribution of the property of deceased people in the State of West Virginia. Given under my hand and seal as my Last Will and Testament. Joseph Waldo."^[27]

XI. Pringle Fruit Tracts and the Fosters

While there are some gaps in research after Waldo's death and probate and after Smith obtained the property, archived records show Walter T. Stolz, Lenta D. Stolz Westacott, and Jonathan E. Bourne purchased part of the Waldo DLC on September 20, 1912 and created an 83.05 acre, nine tract subdivision, naming it Pringle Fruit Tracts. On February 17, 1916, the deed was updated to include Walter's wife, Ella McNary Stolz. By 1919, the property had been modified. Siblings John B. Foster, Anna L. Foster Christie, and

James E Foster each

purchased a lot:

Tracts 1) 22.86a, 2)

30.39a, and 3)

29.77a. James and

his wife Nannie Ann

Suttle Foster

purchased their 29.77

tract on April 16,

1921.^[28] She and

James had four

children: Vera V Ent,

Edwin C, Lawrence E,

and Atwood P.

Nannie died October

22, 1921.^[29] James

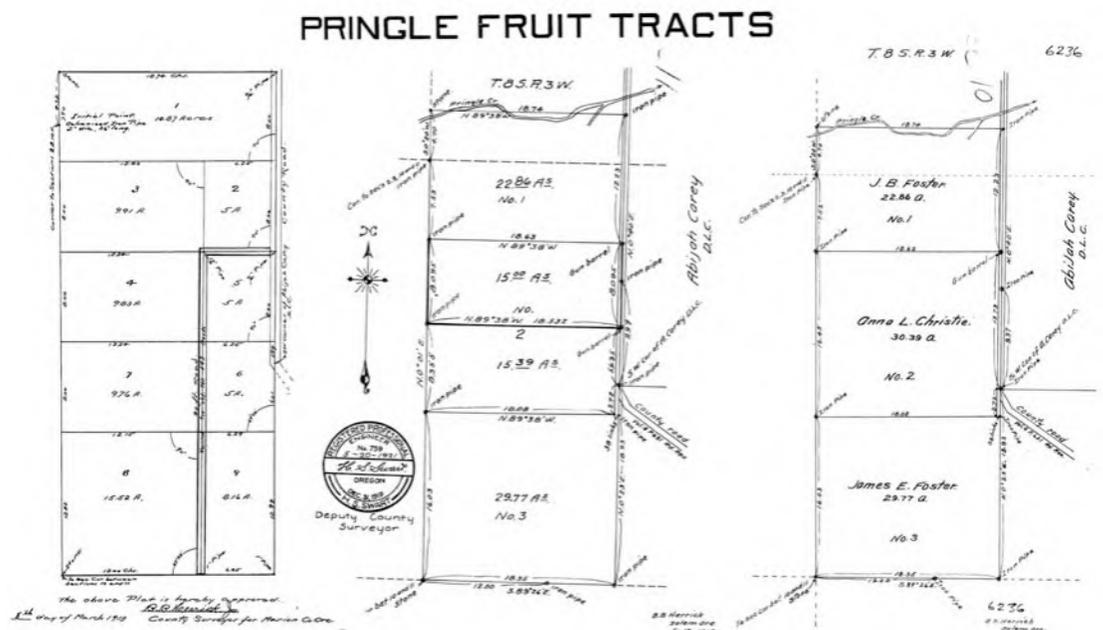
later married Grace Price

Mustard Foster and

renewed the deed on February 28, 1927 in both of their names.^[30] Census records from 1930 and 1940

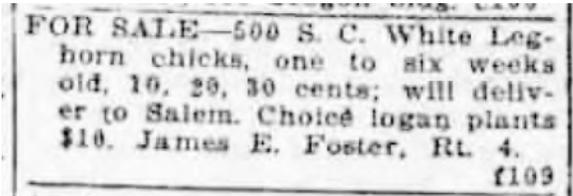
show James' occupation as a "fruit farmer" and of having a "lodger" who helped with the fruit.^[31]

"Salem Marion and Polk Counties Oregon December 1932 Telephone Directory" lists "Foster, James E RFD4 Dial 116 Call 33-F-23."^[32]



Three new lots created for three Foster siblings (John B., Anna L., and James E.) from Waldo's claim dated 1913, 1919, and 1921. James E Foster sold his Pringle Fruit Tracts 29.77 ac "No 3" lot to Henry and Marian Meyer on October 29, 1947.

Foster ran many FOR SALE advertisements in Salem's Capital Journal such as on May 2, 1921 for "500 S.Cs White Leghorn chicks, one to six weeks old, 10, 20, 30 cents; will deliver to Salem. Choice logan plants \$10. James E Foster, Rt 4."^[33] The 1921 \$10 loganberry plant is equal to \$150 dollars today.^[34]



For Sale ad: Salem Capital Journal – May 2, 1921

XII. Henry and Marian Meyer's Family Farm Legacy

One hundred years after Waldo staked his 1847 provisional land claim, Henry A and Marian L Williams Meyer continued The Farm's legacy by buying the Pringle Fruit Tracts 29.77 acres farm, from James E and Grace M Foster October 29, 1947, which included its 1915 2-story farmhouse, the 1854 barn then filled with hay and farming gear, flat to moderately sloped mixture of fields and pasture, seasonal "Split Pea River" wetlands, and its diverse and unique tree canopy with many trees designated "protected" including magnificent large-diameter Oregon white oaks within a savannah (*a threatened habitat in Oregon*) many of which are likely heritage trees from the 1800s including: Douglas Firs, the stunning prized 32" dbh (100" circumference) black walnut tree estimated to have been planted about 1878 (143 years old), and Henry's North Woods mixed oak conifer forest and creek.



Marian in front of the farmhouse c 1947

Henry brought his young wife Marian and daughter Mary Ann and sons Tim and John from Portland to Salem, where the couple, following in the footsteps of pioneer Joseph Waldo, quickly became important and respected members of the Salem community. Marian, a 1939 Marylhurst College graduate who had earned the "Miss Marylhurst 1939" title and later would be recognized with Salem's "Woman of Achievement" award in 1977, the year before her death. Henry specialized in vehicles logistics for the



Meyer farmhouse – c 1947

U.S. Army in World War II and was instrumental in retrofitting polio-stricken U.S. President Franklin Roosevelt's Army Jeep when he met with British Prime Minister Winston Churchill at the Casablanca Conference in Morocco in 1943. He earned a battlefield promotion to Major, a Purple Heart, the European African Middle Eastern Service Medal, the WWII Victory Medal, and the American Theater Ribbon.



President Roosevelt in retrofitted Army Jeep

In Salem after the war, he became the well-respected manager of Schatz Salem Furniture store in downtown Salem, soon-to-be Salem's interior designer to the stars, including Governor Mark Hatfield and Statesman-Journal "gossip" columnist Jeryme English. Known for his wry sense of humor, precise design sense, and generous giving of his time and resources, Henry was widely-known for his high standards, attention to quality and detail for which he earned recognition as well as loyal clientele including Oregon State Senators, Governors, and Supreme Court Justices. Henry and Marian helped

establish Salem's Symphony, fostered residents of the Fairview Training Center, were founding members of Queen of Peace Catholic Church and Illahe Country Club, and were second-generation members of Portland's Multnomah Athletic Club.

Through hard work and sheer determination, on ancient Kalapuya land claimed by Joseph Waldo in the 19th century, Henry and Marian created what would become the epicenter of the Meyer family — what the family knows and loves as "The Farm" — a magical place for their six

children: Mary Ann, Tim, John, Peter, James, and Molly, 17 grandchildren, 29 great-grandchildren, and two great-great-grandchildren to experience farm-life, family holidays, and annual summer gatherings.



Henry and Marian in their 1965 Excalibur



Meyer Family Farm 32" dbh 100" circumference black walnut tree estimated to be over 143 years old, likely planted by Joseph Waldo himself

Since 1947, several generations of Meyer family members, friends, and neighbors have grown up running through its ancient oak groves, swinging from its 143-year-old black walnut tree, navigating its "Split Pea River" wetlands, chasing grasshoppers, riding horses, bucking hay, kenneling Kerry Blue Terriers, harvesting filberts and Christmas trees, picking berries, cherries, and pairs of heirloom pears, rustling up horses, chickens, ducks, peacocks, dogs, cats, goats, sheep, and llamas, and simply enjoying this heavenly farm oasis.

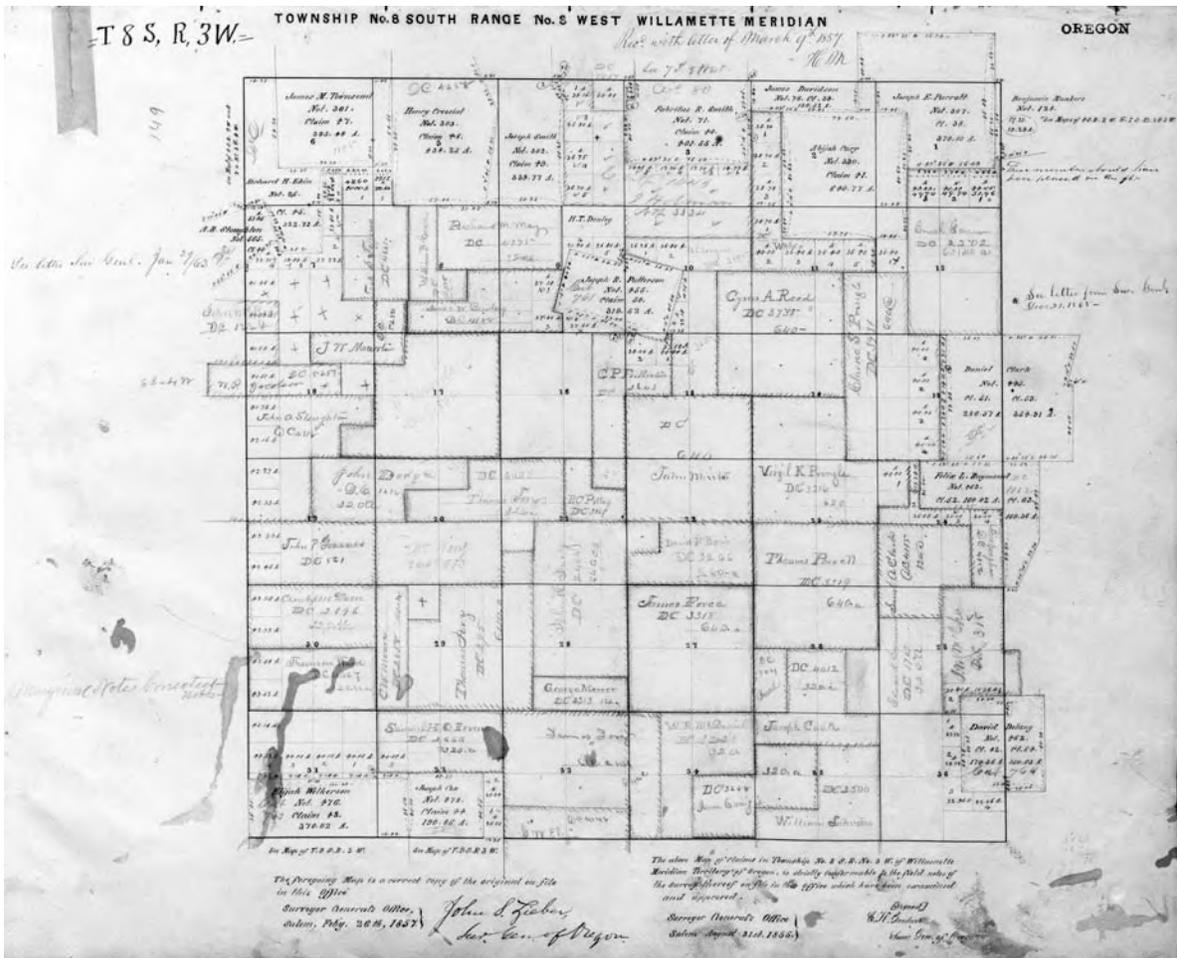
A recent bird count by Salem Audubon Society noted no less than 14 different bird species in one hour of observation, including: song sparrows, mourning doves, Cooper's hawk, black-capped chickadees, red-tailed hawks, Rufous hummingbirds,

Great horned owls, wild turkeys, and Merlin falcons. All sorts of deer, coyotes, skunks, and rabbits also call The Farm home.^[35] In *A Landowner's Guide for Restoring and Managing Oregon White Oak Habitats* (2004), Oregon white oak savannas and woodlands are described to be a very important piece of the ecological fabric of the Pacific Northwest. Unfortunately, these habitats and the wildlife that depend on them have diminished greatly from the past. The vast majority of the remaining Oregon white oak habitat is found on private land: farms, ranches, woodlots, forestlands, and even residential lots. Owners of land with oak habitat possess the opportunity to conserve this dwindling habitat for their own satisfaction and enjoyment and as a legacy for future generations.^[36]

Henry and Marian built their farm on the foundations laid by its forebears with clear intent for their farming and environmental preservation legacy to endure. For many family members who have lived and worked on The Farm during different stages of their lives and for its guests, The Farm has always been a home away from home.



Aerial view: Meyer Family Farm, adjoining Hilfiker Park, and neighboring Fairview Addition Subdivision c 2020



Township 8 South Range 3 West Neighborhood, Plat_334034 c August 1857

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VOL 378 PAGE 278

THIS INDENTURE WITNESSETH, That JAMES E. FOSTER and GRACE M. FOSTER,
his wife,

hereinafter known as grantor_s_ for and in consideration of the sum of
*****TEN AND NO/100***** Dollars,
to them paid, have bargained and sold, and by these presents do grant, bargain,
sell and convey unto HENRY A. MEYER and MARIAN W. MEYER, his wife, as
tenants by the entirety

their heirs and assigns, the following described premises, to-wit:

Beginning at the quarter section corner between sections 10 and 11 in Township 8 S. R. 3 W. of the Willamette Meridian, Marion County, Oregon; thence S. 89 degrees 26' E. 18.35 chains; thence N. 0° 23' E. 18.93 chains, to the S. W. corner of the Donation Land Claim of Abijah Carey; thence West 38 links; thence S. 0° 23' W. 2.72 chains; thence West 18.08 chains to the line between sections 10 and 11; thence South 16.03 chains to the place of beginning and containing 29.77 acres of land.



TO HAVE AND TO HOLD the said premises with their appurtenances unto the said grantee_s_ ,
their heirs and assigns forever. And we the said grantor_s_ do hereby
covenant to and with the said grantee_s_ , their heirs and assigns, that we are the
owner_s_ in fee simple of said premises; that they are free from all incumbrances.

and that we will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, we have hereunto set our hand_s_

and seal_s_ this 29th day of October, 1947

Done in presence of

James E. Foster (SEAL)

Grace M. Foster (SEAL)

_____ (SEAL)

_____ (SEAL)

STATE OF OREGON,
County of Marion } ss.

BE IT REMEMBERED, That on this 29th day of October A. D. 1947,
before me, the undersigned, a Notary Public

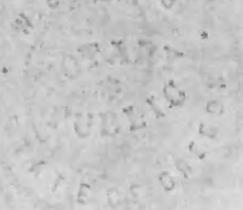
in and for said County and State, personally appeared the within named
JAMES E. FOSTER and GRACE M. FOSTER, his wife

who are known
to me to be the identical persons described in and who executed the within instrument, and
acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
notarial seal, the day and year last above written.

W. Keyes
Notary Public for Oregon.

My Commission Expires 4-9-49



Warranty Deed

JAMES E. FOSTER, et ux

844676

TO

HENRY A. MEYER, et ux

STATE OF OREGON,
County of MARION } ss.

I certify that the within instrument
was received for record on the

day of OCT 29 1947 A. D.

1947 at 2:45 o'clock P. M. and

recorded in book 378 on page

278 Record of Deeds of said County.

Witness my hand and seal of County

affixed.

William H. Foster
Recorder of Conveyances.

By Deputy.

FROM THE OFFICE OF

James E. Foster & Grace M. Foster
Henry A. Meyer

337728



NEIGHBORHOOD ASSOCIATION
555 LIBERTY ST. SE RM. 305 SALEM OR 97301 • 503-588-6207 • WWW.CITYOFSALEM.NET/NEIGHBOR

September 26, 2021

City of Salem
Planning Division
555 Liberty Street SE
Salem OR 97301
Attn: Aaron Panko

Re: Application for Phase 2 138-Lot Single Family Residential Subdivision at 4540 Pringle Rd SE.
Subdivision Case No SUB21-09

The South Gateway Neighborhood Association (SGNA) concurs with the comments submitted by the Morningside Neighborhood Association regarding the proposed subdivision of the Meyer Farm Property. SGNA agrees that the proposed subdivision presents serious traffic and tree preservation issues. In addition, to the Morningside concerns, SGNA has the following concerns:

Hillfiker & Sunnyside Intersection Concerns – The intersection at Hillfiker & Sunnyside is already congested and the congestion will increase considerably when the new section of Hillfiker, which already connects with Sunnyside and Commercial goes to Battle Creek. It's recommended that the Sunnyside and Hillfiker intersection be improved with a stop sign or traffic light.

Tree Removal – The proposed tree removal is totally misaligned with city, state and national proposals and goals regarding Climate Change. Specially, 70% tree removal will greatly hamper the City of Salem's ability to reduce carbon emissions.

SGNA agrees that Meyer Farm property is a unique property that should remain an open space for the enjoyment of Salem residents. Thank you.

Glenn Baly

Chair
South Gateway Neighborhood Association

Aaron Panko

From: Lisa Anderson-Ogilvie
Sent: Monday, September 20, 2021 9:28 AM
To: Trevor Phillips; Dan Atchison; Peter Fernandez
Cc: Aaron Panko
Subject: RE: The Woods at Fairview
Attachments: SUB21-09 NOF-RFC.pdf

Councilor Phillips,

We will include this communication in the case record. The subdivision application has been deemed complete and notice went out last week – see attached. It is still being reviewed by City staff, but we are happy to meet and discuss.

Thanks,

- Lisa | 503-540-2381

From: Trevor Phillips <TPhillips@cityofsalem.net>
Sent: Sunday, September 19, 2021 3:36 PM
To: Mark wigg <mark_wigg@hotmail.com>; Dan Atchison <DAtchison@cityofsalem.net>; Peter Fernandez <PFERNANDEZ@cityofsalem.net>; Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Re: The Woods at Fairview

Dan Atchison,

I think that I may have gotten an ex parte communication regarding the Potential development of the Meyers Family farm.

My family walked to Trader Joes today. As we walked past the Meyer's family farm property, we saw posted signage that make it look like a development may have gone into the application process at the city, which could make the email from Mark Wigg an ex parte communication. If possible, could we add Mark's email to the official record. I haven't really read his email details.

Peter and Lisa,

Is there an application regarding the Meyer's family farm property? If so, I'll probably need to talk with you to understand the implications of this property that we have discussed previously.

Sincerely, Trevor Phillips
Ward 3, Salem City Councilor
503-569-5410

From: Mark wigg <mark_wigg@hotmail.com>
Sent: Sunday, September 19, 2021 12:19 PM
To: Vanessa Nordyke <VNordyke@cityofsalem.net>; Tom Andersen <TAndersen@cityofsalem.net>; Trevor Phillips <TPhillips@cityofsalem.net>
Subject: Fw: The Woods at Fairview

Creating the Salem we want. Trevor should love this.

From: Mark wigg <mark_wigg@hotmail.com>

Sent: Sunday, September 19, 2021 12:15 PM

To: jumper@toast.net <jumper@toast.net>; helen caswell <helenjcaswell@gmail.com>; Geoffrey James A. I. A. <geoffreyjames@comcast.net>; richard reid <richard@bluffhouse.org>

Subject: Re: The Woods at Fairview

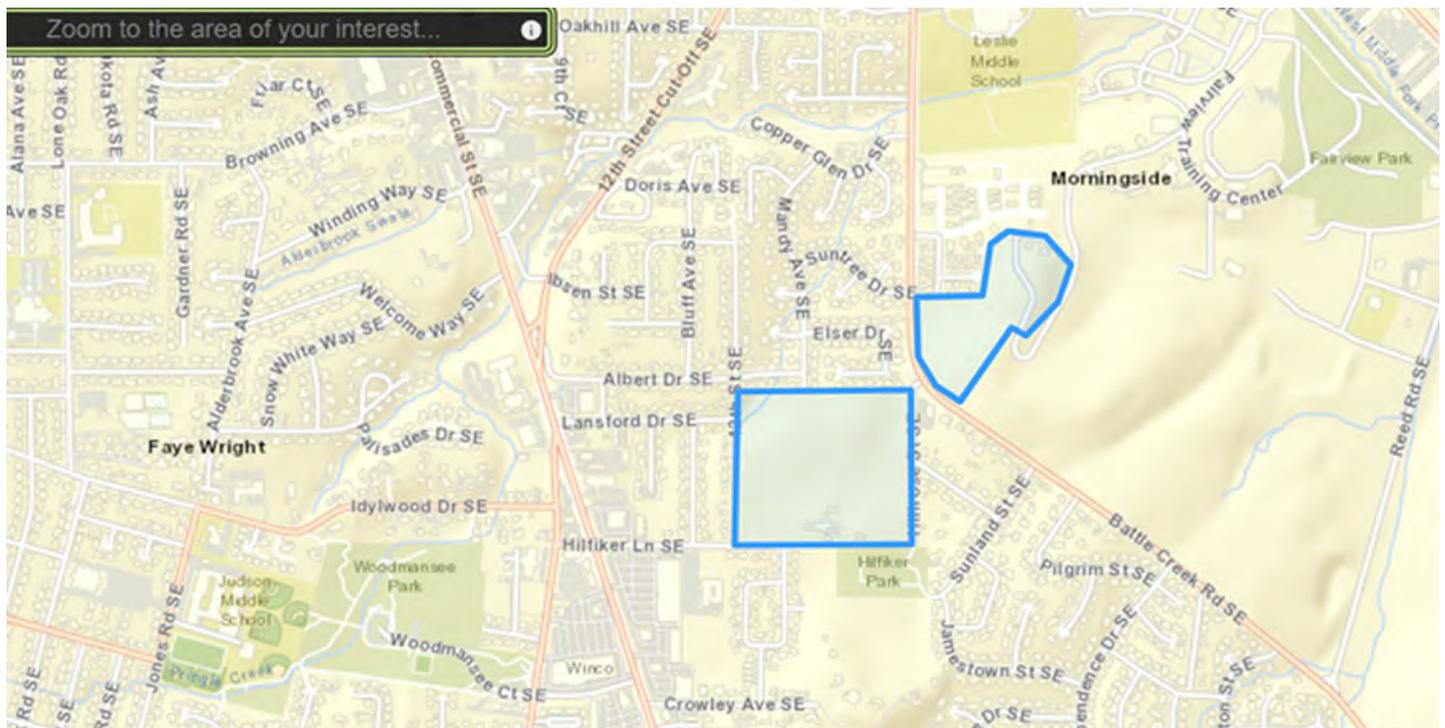
Jerry,

It is wonderful that you held the Fairview development to the approved plan that protects the 14 acres on the corner of Pringle and Battle Creek roads.

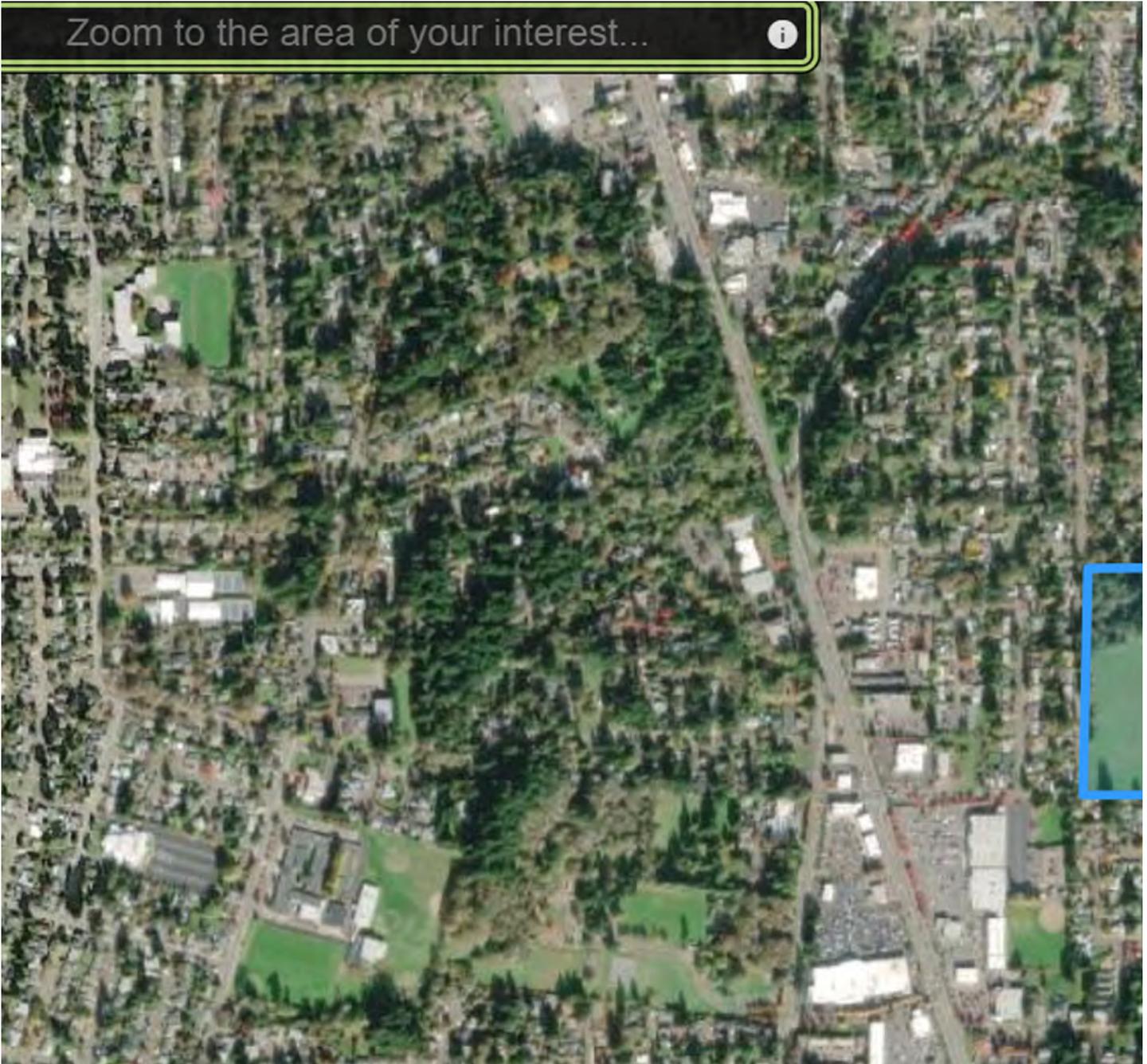
The others in this email are working to protect the Meyer Farm, opposite the Fairview protected area. When the city protects both we will have a string of parkland from Judson to Leslie and to the industrial area. This will help wildlife and entice more people to walk.

Mark Wigg

971-600-6607



Zoom to the area of your interest...



From: Jerry Mumper <jmumper@toast.net>
Sent: Sunday, September 19, 2021 11:49 AM
To: mark_wigg@hotmail.com <mark_wigg@hotmail.com>
Subject: The Woods at Fairview

Mark,

Thank you for spending time talking with me yesterday. I appreciate the suggestions that you had on how we might work together. I am including a couple of maps plus a picture of a couple of residents of the woods. These are two of the three baby great horned owls that spent a couple of weeks with us this spring learning how to fly.

Thanks again
Jerry Mumper
503-910-5651

P.S. As I am computer illiterate, I am having trouble sending the maps I wanted to send. I will keep trying, but in the meantime the property is parcel 2 of P.P. 2015-029

Aaron Panko

From: Heather Cohen <heatherbcohen@gmail.com>
Sent: Tuesday, September 21, 2021 2:27 PM
To: Aaron Panko
Subject: 4540 Pringle rd development, SUB21-09

Good afternoon,

I just received the notice of filing for subdivision case no SUB21-09. I just wanted to clarify that these will be single family homes and not apartments, is that correct? I believe there were earlier plans to make it multi family units so I am just checking.

Thanks for your time,

Heather Cohen
4530 Chaparral dr se

Sent from my iPhone

Aaron Panko

From: Melissa Rasch <melissa.rasch@yahoo.com>
Sent: Tuesday, September 21, 2021 6:39 PM
To: Aaron Panko
Cc: geoffreyjames@comcast.net; Melissa Rasch
Subject: SUB21-09

Aaron,

I have concerns and questions regarding the proposed development at Hilfiker and 12th St. First and foremost is the impact on climate change. As per our Mayor, "Salem is committed to protecting our trees as a critical part of our climate change mitigation strategy". With that message in mind, how many trees will be destroyed in the development of this site? Next is the impact on the wildlife in the area. That property has been the home to deer, coyotes, turkeys and numerous other birds. They will be forced from their habitat, have limited options and ultimately will die from lack of resources. Will the street improvements on 12th St and Hilfiker be sufficient to control the influx of traffic from 138 households? Twelfth Street is a dangerous street, people drive too fast on it now. What is the plan to control the speed? How about the lot sizes of each house? How does it measure up to the lot sizes of the existing homes? Does it fit into the existing character of neighborhood? What is going to be done to lessen the impact of this housing development on climate change? I am concerned about water usage, the power grid and the sewer system. Is there a plan in place to encourage the use of solar panels, xeriscaping and other options to reduce water usage? How will the street improvements impact the properties of those living on Hilfiker and 12th St.

These are real concerns that need to be addressed before our neighborhood can support this development.

Thank you for your consideration,

Melissa Rasch

Aaron Panko

From: Chris Elbert <bigmopp@yahoo.com>
Sent: Tuesday, September 21, 2021 8:47 PM
To: Aaron Panko
Subject: Proposed Meyer Farm development - Subdivision Case No. SUB21-09

9/21/2021

Mr. Panko,

I am a property owner living on Kampstra St, approximately one block from the subject property. I have reviewed the proposal and have the following comments:

- I like that the development will be entirely single-family homes. I would not view it so favorably if apartments/condominiums were included. So I have nothing against the development itself.

- My chief concerns revolve around traffic congestion and pedestrian safety. Building this many new homes will result in a significant increase in traffic on the existing section of Hilfiker Ln out to Commercial St. The half-block of Hilfiker immediately east of Commercial already sees traffic backups from drivers shopping at Trader Joe's and Walgreens during most hours of the day, and adding 138 residences also using this access to Commercial St would just make this problem much worse.

- These problems mostly occur because the intersection of Hilfiker & Commercial is significantly under-engineered for the amount of traffic currently using it. It definitely will be less functional for any increase in its traffic. Re-designing the intersection is on the city's near-future agenda, so this needs to be fast-tracked and completed before allowing a significant increase in the neighborhood's population to take place.

- As the many businesses along Commercial will be within easy walking distance of the new development, it is natural to expect that there will also be a proportional increase in foot traffic along Hilfiker. I assume that adequate sidewalks will be included in the new development. However, there are few sidewalks currently in the existing neighborhood. Right now, there's only a sidewalk along the south side of Hilfiker; there is no sidewalk at all on the north side. The side streets to the north (12th and Kampstra) also lack sidewalks. I foresee this being a significant safety issue, as the combination of increased vehicle and increased pedestrian traffic will create a dangerous situation for both, walkers especially. This also really needs to be addressed in city and developer plans before people begin moving into the new homes.

- It should also be expected that the extension of Hilfiker Ln down to Battle Creek Rd/Pringle Rd will see significant use as a connector to/from Commercial St. by new residents, current residents, and outsiders. The few existing streets that join these two major road are roundabout and windy, while the newly-extended Hilfiker looks to be much more direct. So over time, increased traffic will gravitate to using it. And this will be especially dangerous since cars driving eastbound on the Hilfiker extension will be going downhill and will naturally pick up speed past these new homes. I'm especially concerned about children being at risk here. So safety needs to be a foremost consideration in designing the Hilfiker extension.

- The inclusion of some open space is very welcome, and in conjunction with the city's proposed development of Hilfiker Park will be a great addition to our neighborhood. I hope also that some way is included to create walking access from our neighborhood to Hilfiker Park, which currently is unavailable to us.

Thank you for listening to my concerns.

Sincerely,

Chris Elbert
4362 Kampstra St SE
Salem, OR
bigmopp@yahoo.com

Aaron Panko

From: Heather Cohen <heatherbcohen@gmail.com>
Sent: Wednesday, September 22, 2021 11:19 AM
To: Aaron Panko; Geoffrey James; Chris Hoy; Tom Andersen;
Sen.DebPatterson@oregonlegislature.gov;
Rep.RaquelMooreGreen@oregonlegislature.gov
Cc: Heather Cohen
Subject: SUB21-09, New Subdivision with 138 units
Attachments: IMG_3832.jpg; IMG_3845.jpg; IMG_3835.jpg; IMG_3839.jpg; IMG_3847.jpg; IMG_3849.jpg; IMG_3848.jpg; IMG_3850.jpg; IMG_3851.jpg

All,

Like so many of my neighbors, I am concerned about the development of 138 single family units at Hilfiker and 12th or what used to be the Hilfiker property. While I am not opposed to development per se or the construction of single family units, the scope and breadth of this project seems intent to extract every last dollar to the detriment of the neighborhood. The Hilfiker property is home to much wildlife. I have witnessed scores of deer, turkeys, owls, woodpeckers, voles, and a multitude of birds while walking my dog around the property. Many of this wildlife is likely protected and/or endangered. How can this development be approved without at least performing an environmental impact study? It is also the home to many of Oregon's treasured, and protected, white oaks, most of which will be destroyed in the building of this subdivision. Salem's own forestry strategic plan sets six goals for the city, the first of which is to protect, increase and enhance Salem's tree canopy. The journal Science recently found that planting trees can reduce carbon. The New York Times found neighborhoods without significant tree canopies could be 20 degrees hotter on a scorching summer day, correlating healthy neighborhoods as those with more trees. The building of this many new units will not come without a cost and will be a strain on already burdened resources. The traffic on Hilfiker Lane SE is already at its breaking point due to the proximity of shopping. Expanding the road will mean cutting down many stately trees that add to the character of the neighborhood. How can this small neighborhood sustain such a large increase to the power grid, trash collection, water usage, and sewage systems? These questions would not be asked if the amount of single family units was more reasonable. Please consider these issues before you approve this development.

Please also review these pictures of the beautiful property as it currently exists.

Thank you for your time,

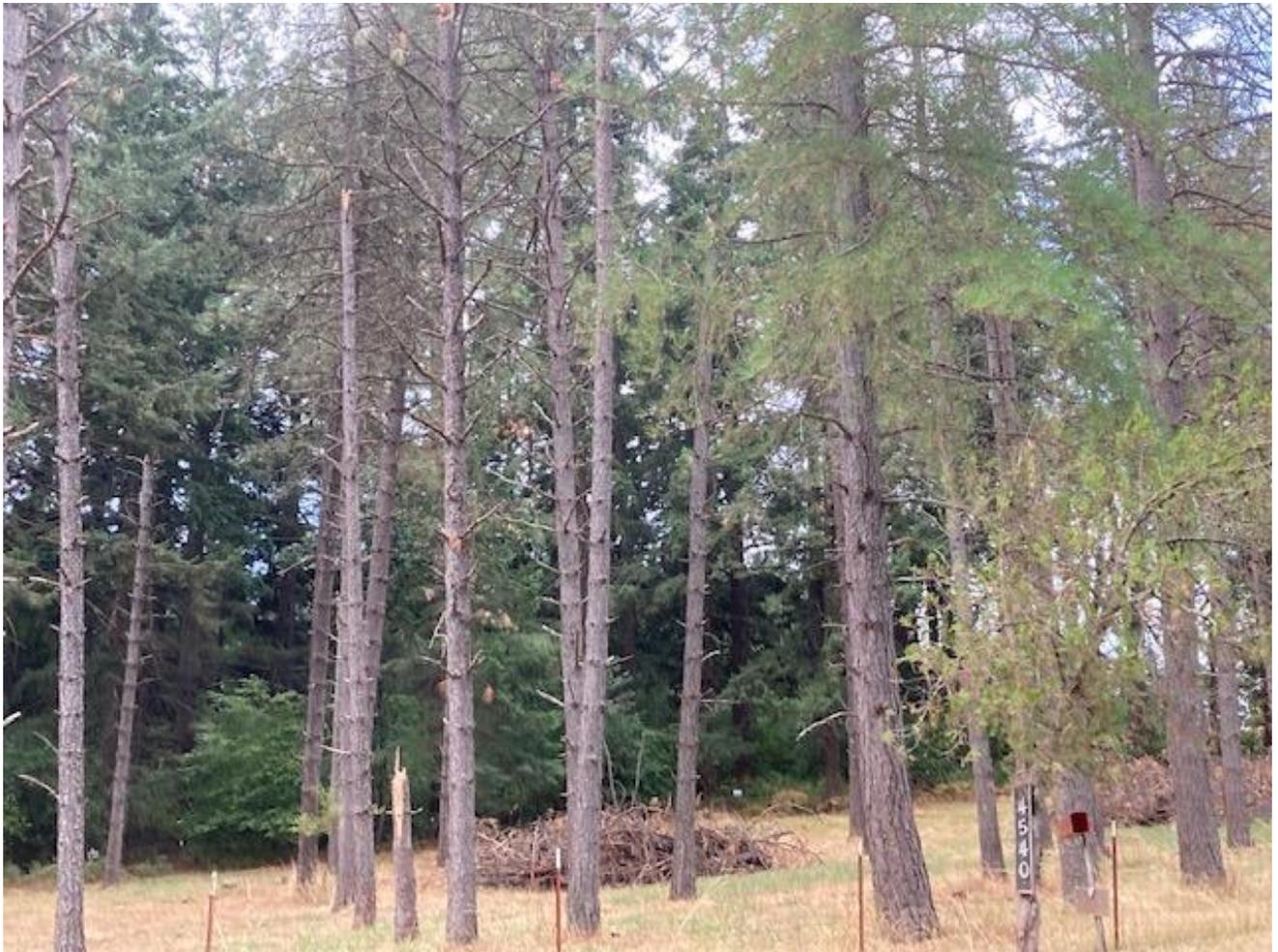
Heather Cohen

4530 Chaparral Dr SE

Salem, OR 97302











Aaron Panko

From: James Schwab <Jamesschwab9@comcast.net>
Sent: Wednesday, September 22, 2021 12:14 PM
To: Aaron Panko
Subject: Subdivision Case No SUB21-09

21-113071

I have reviewed the proposal and have one comment:

It appears that traffic will greatly increase on Hillrose and on Pringle and Battle Creek. I hope that the corner of Battle Creek and Hillrose will be improved to handle the increase of traffic. A left turn lane should be added to Battle Creek at Hillrose for safety. Cars that come around the corner on Battle Creek may not see cars turning onto Hillrose.

James Schwab
1507 Freedom Loop SE
Salem, Oregon 97302
503.931.8819
Jamesschwab9@comcast.net
9/22/2001

Aaron Panko

From: Coach Steve <WVWPCoach@outlook.com>
Sent: Wednesday, September 22, 2021 7:28 PM
To: Aaron Panko
Cc: geoffreyjames@comcast.net
Subject: Subdivision Case No. SUB21-09

Good evening Aaron,

We received the Notice of Filing for the Meyer Farm subdivision case No. SUB21-09.

We would like to express a few concerns we have with the proposal as defined in the filing.

- The Battle Creek/Pringle curve is a minimum site curve and currently traffic going north on Battle Creek are not permitted to turn left at the proposed Hilfliker/Hillrose corner.
 - I do not see this being addressed in the proposal.
- This neighborhood was not designed as a through way and by connecting Battle Creek/Pringle to Commercial with Hilfliker you will be creating a traffic nightmare with more and more cars looking to avoid traffic on Commercial.
- Currently the intersection of Hilfliker and Commercial is not designed to handle current traffic and with limited space on the west side of Commercial it cannot truly be fixed. I do not see this addressed in the proposal.
 - With the addition of the new Costco coming traffic on these roads will increase and the addition of more housing and questionable traffic decisions will likely lead to more accidents, traffic backups and people looking for a presumed shortcut.
 - Has there been a street usage study done at the Battle Creek/Pringle curve at Hillrose?
 - Has there been a speed study complete for this section of road?
- Currently not in the proposal, Sylvan Ave an unimproved road with no curbs and sidewalks. Sylvan is currently being used by members of the Cambridge community to get to northbound Pringle at a cost of safety for those of us who live on Sylvan.
 - Has there been a street usage study done on Sylvan Ave?
 - Has there been a speed study completed for Sylvan Ave?
 - I challenge you or any member of your staff to visit with us and watch the cars drive up and down Sylvan Ave. You will be amazed at the speed in which they drive on this narrow unimproved road and not one of them are a residence of Sylvan Ave.
- Any improvements made to Sylvan Ave will not benefit the residence of Sylvan Ave but in fact will have the opposite effect.
- The land adjacent to Hillrose is designated wetlands and part of the restoration project completed by the past land owners in 2008 – 2010 with support from Marion SWCD Landowners Assistance Program.
 - I do not see this information in the filing.
 - Will this restoration be preserved?
- I was under the impression Salem was the Tree City. If this is the case explain to me why close to 70% of the trees on the Meyer Farm will not make it through this development according to the proposal?
 - Is there a valid reason more trees will not be saved?

Finally, the development of the Meyer Farm will alter the beauty of the neighborhood and South Salem in general. The city has a chance to make something amazing with this property where wildlife lives and thrives in an urban sitting

adding value to the community. We already have enough unfinished developments to the east of Battle Creek and more than enough undeveloped property in South Salem to sustain the needs of future growth for years to come.

I do hope you will evaluate the traffic, neighborhood, safety, wildlife and wetland concerns I have mentioned above before approving the current proposed development of this property.

Please confirm receipt of this email.

Sincerely,
Steve and Kim Sessa
1449 Sylvan Ave. SE
503-930-7189

Aaron Panko

From: Patricia Snowfox <snowypatfox@gmail.com>
Sent: Thursday, September 23, 2021 9:39 AM
To: Aaron Panko
Subject: Salem Land Use Applications

Follow Up Flag: Follow up
Flag Status: Completed

Hello Aaron Panko:

I would like to understand better what is planned for the streets in this 29.68 A parcel proposal.

Would you be so kind as to take a moment to explain or send me a map showing:

1) the connectivity of streets that is being proposed (Hilfiker Lane and 12th Street);

and

2) the layout of the 138 single family lots?

Regarding streets, are any changes planned to Hilfiker Park that would connect these streets to Sunland Street or Hillrose Street?

Thank you.

I look forward to hearing from you.

Patty Snowfox
503-508-3-54

Aaron Panko

From: THERESA BYRNE <byrne333@comcast.net>
Sent: Thursday, September 23, 2021 6:54 PM
To: Aaron Panko
Subject: Subdivision Case No. SUB21-09

The subdivision application lists 3 alternative street standards (shown below).

The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;*
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and*
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.*

How wide are they proposing 12th Street will be where it borders their property, including where it borders the "Open Space"? How wide will the pavement be along 12th Street? Will there be curbs and sidewalks on both sides of the street?

I don't understand road grades, but they are requesting to increase the maximum grade on 12th Street SE from 12% to 17.9%. I walk along that portion of 12th Street daily, but rarely drive it due to it being so narrow and having limited sight distance due to the steepness of the road. Do they want to make the already steep portion of 12th Street even steeper? What are they planning to do that would require a steeper street?

Thankyou.
Theresa Byrne
1175 Duffield Heights Ave SE

September 23, 2021

Kathy and Steve Sansone

280 Albert Drive SE

Salem, OR 97302

Subdivision Case No. SUB21-09

Address: 4540 Pringle Rd. SE Salem, OR 97302

We respectfully, but strongly ,object to the above project for the following reasons:

1. Removing over 600 Of 800 trees, even if some are not in great shape, is unconscionable considering air quality, climate change, and aesthetics in the neighborhood. Morningside neighborhoods, like many in our city, need to be part of the solution, and planting more trees, rather than eliminating existing ones allow us to be a solution rather than contributors to the problem.
2. Traffic is already a serious problem on Mandy and Albert Dr. as drivers take a shortcut to access Commercial St. and to get to Trader Joe's, Walgreen's, and other businesses. The traffic has increased significantly over the past three years with the Fairview Addition development on Pringle and the hundreds of apartments at The Grove off Reed Rd. SE. It is a serious issue already without the addition of 138 home sites. Very probably, each of those 138 homes might have 2 cars, increasing the number of cars on our small streets by 276 in this area alone.
3. Most lots adjacent to the property are 7000 sq. ft. The addition of 4000 sq. ft. lots in the proposal not only does not mesh, but it also makes for too high density and increases the above mentioned traffic problems with additional vehicles. Couple that with the tree removal, additional water requirements, and increasing air pollution, and clearly, the livability impact will be a negative one.
4. Over the past few years, the Morningside neighborhoods have done more than their share to accommodate new housing. Infill is a common sight along Madrona and other nearby streets. Pringle Creek Community, the Fairview Addition, The Grove multi-level and dense apartments are all well underway. How much new housing must one neighborhood bear?
4. The wildlife: deer, raccoons, coyotes, skunks, squirrels, birds, etc. will all be displaced as their habitat will be ruined.
5. We moved to this neighborhood 40 years ago. Much of it was a plum orchard at the time, and we understand that change is inevitable, and that housing is in great demand in our city. We implore you to consider when neighborhoods like ours are already at capacity, and that the quality of life, for which Salem has been known in the past, will disappear.

Aaron Panko

From: Maureen Foelkl <mfoelkl@gmail.com>
Sent: Friday, September 24, 2021 2:49 PM
To: Aaron Panko
Cc: geoffreyjames@comcast.net
Subject: Meyer Property Development

City of Salem

September 24, 2021

My name is Maureen Foelkl and I reside at 4530 Sunland Street in Salem. I'm writing on behalf of the livable factor here in our city. The Meyer property development is another example of how the City is failing in a number of aspects to provide a sustainable lifestyle for our population and the wildlife.

I realize that the property will be developed but this must be accomplished in a thoughtful manner. How is removing over 73% of the trees match the City's plan for clean air and climate change?

<https://www.cityofsalem.net/Pages/climate-action-plan.aspx>

It has been documented that we will have an increase in greenhouse gases in the atmosphere if humans continue to destroy the land for their own benefit.

So, how can we call ourselves a Tree City when the people we have elected continue to approve of developments that are just the opposite? The city claims to protect our White oak trees. I am yet to see that happen in my neighborhood. These trees support the lives of a number of species. Please review the following water council newsletter in case you have any doubts about the importance of preserving our native oaks, file:///C:/Users/mfoel/Downloads/Fall%202021%20Watershed%20Events.pdf

The plans to increase congestion in our neighborhood are another concern. As I was leaving for work from my Sunland address on Sept. 24, 2021, I headed north on Battle Creek to discover a dead doe along the side of the road. Developers have left little to no areas for our wildlife to thrive. Adding more houses and more traffic will only exasperate the current situation. There is little doubt that this committee cares more about the developers and future tax money than the health and welfare of the community.

My hope for the forthcoming generations, both human and wildlife is that we as a society begin to view that our decisions of today will impact the quality of life in Salem in the future.

Sincerely,

Maureen Foelkl

National Teacher Hall of Fame Member

Presidential Award for Math and Science Teacher Awardee

4530 Sunland Street SE

Salem, OR 97302

Aaron Panko

From: Rachael Atchison <occupyrachael@gmail.com>
Sent: Saturday, September 25, 2021 2:50 PM
To: Aaron Panko
Subject: Subdivision case no. SUB21-09

September 25, 2021

Aaron Panko
City of Salem Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

Dear Mr. Panko,

We are writing to express our concerns regarding Subdivision case no. SUB21-09 in Southeast Salem. In this day and age, facing an extreme climate crisis, our city should be doing everything it can to increase carbon capture and mitigate global warming. Taking this into consideration, it makes no sense to remove 451 trees to replace them with a mere 138 single family homes. This project simply does not generate enough housing to make that tree loss acceptable. Any project approved should take into consideration the need for denser (truly affordable) housing and tree preservation. There are plenty of areas in this city that can be developed vertically in a truly sustainable manner. We need to create density in areas where trees have already been removed.

I hope you listen to our concerns and make wise decisions about a sustainable future for Salem. We must act now to put a livable environment ahead of developer profit.

Rachael Atchison and William Wherity
3589 Pringle Road SE, Salem, OR 97302

Aaron Panko

From: Annie Morton <5m@comcast.net>
Sent: Sunday, September 26, 2021 12:05 PM
To: Aaron Panko
Cc: morton.steve52@gmail.com
Subject: Comments Regarding Subdivision Case No. SUB21-09

Dear Mr. Panko,

We live on Albert Drive adjacent to the proposed subdivision (SUB21-09). We have reviewed the proposal and have the following comments about this development plan:

- 1) Traffic: A traffic study conducted by the City of Salem two years ago resulted in the approval for speedbumps on Albert Drive. However, we were subsequently informed there were no funds available for the installation of the approved speedbumps. Since then, the development of Fairview Additions, Pringle Creek Community, and The Grove, have resulted in even more traffic. The construction of COSTCO is sure to impact us as well. With the increased development, speedbumps are crucial for safety and livability for all people living on Albert Drive and adjacent collector streets in the neighborhood.
- 2) Tree protection: We would like to see more wooded areas protected in this plan. In light of increased global warming, removing 70% of the trees on this property seems short-sighted. Consider protecting additional wooded areas in this plan.
- 3) Management of wooded areas: We are pleased to see the lower wooded area is being preserved. This naturalized area provides a safe habitat for birds and limited wildlife. Who will be responsible for management of the wooded area that is in the northwest corner of the proposed development? Management of this area is a concern due to water drainage including the culvert behind 1260 Albert Drive. The culvert is in need of repair and maintenance under existing conditions. We do our best to maintain this culvert during times of heavy rain to prevent flooding. Will there be a management plan for wooded areas of this development?

Thank you for addressing our concerns.

Sincerely,

Annie and Steve Morton
1260 Albert Drive SE
Salem, OR 97302

5m@comcast.net

Aaron Panko

From: Katherine Douglas <douglasclan5@aol.com>
Sent: Sunday, September 26, 2021 4:18 PM
To: Aaron Panko
Subject: subdivision case No. SUB21-09

This email is regarding the Land use request located at 4540 Pringle Rd. SE, Salem OR 97302 Subdivision Case No. SUB21-09

As long time residents who live directly across the street from this proposed subdivision we are writing to let the planning commission in charge of this project know that we highly object to the proposed plans that we were sent and that we have reviewed. There are many pertinent reasons for our objections to this ill conceived plan.

First and foremost we have strident objections concerning the impact that this subdivision will have on the traffic flow and safety in and around this area. If you've done your research and looked at the traffic patterns at the intersection of Hilfiker and Commercial Street you will have already seen that this intersection is currently already a problem concerning traffic flow and vehicular accidents. Adding up to 138 dwellings with up to or exceeding 2 cars per household you should be able to see the definite problem that this subdivision will cause at that intersection. Your current plan will not be sufficient to take care of the added traffic issues that your subdivision plan will cause at this intersection.

We are also highly concerned about the dangerous conditions that this subdivision will cause on 12th St directly across from the land in question. 12th St. is a blind hill with little to no visibility. We live at the top of this blind hill and even though the slow speed is posted and there is a blind hill sign these have done little to remove the dangerous situation we are faced with. It is our understanding that there is a plan in place to grade our hill to hopefully "remove" the blind spot. We also have objections to this part of the plan because of the horrific effect it will have on our already steep driveway. Grading the hill will only serve to make our driveway's street access even steeper. During the years that we have lived here there have been many incidents including a fatal car accident on this street. I would question whether the engineers and planners of this subdivision are willing to take legal responsibility for traffic accidents that will occur from the added traffic on the streets that surround this land.

We have lived in our house for almost 30 years so we are very familiar with the traffic patterns, geology, wildlife, and storm water issues in this area. It is obvious that the engineers and planners do not have the same understanding of this area. Storm water is a very real issue when living on a hilly area and with the proposed subdivision I can see run off issues in the future. We are very concerned about our property values being adversely affected with the proposed subdivision. Like most people. we have invested ourselves and our finances in our property and your proposed subdivision is a serious threat to our investment. This plan will remove the view from our house. Just like a mountain or coastal view affects the value of a property this wildlife view and low noise levels affects the value of our property. How will this be addressed by the planners and engineers of this project?

It was our understanding that the land that is being proposed as a subdivision was only zoned for Residential Agriculture and single family dwelling. We were unaware that the land in question had been rezoned for multiple family dwellings. This should have been on a ballot that citizens could vote on. I have not seen this property on any ballots over the last 5 years.

Our final objection concerning this proposal is the negative and irreversible impact that this subdivision will certainly have on the wildlife, flora and fauna that currently constitute the biome of this property. How is this issue being addressed by the planners and engineers? The insubstantial amount of open space in comparison to the developed area in the current plan will not be sufficient to address this problem. Have the planners had wildlife experts ascertain the possible endangered wildlife that makes this land their home?

We would appreciate it if you actually take our voices into account concerning this proposal and the adverse affect it will have on the living conditions and property values in this area. Our voices and our living conditions in this area should be just as important if not more important than big companies making money off of building this horrific subdivision.

Tom and Kathi Douglas
4323 12th St. S.E.
Salem, OR 97302

Aaron Panko

From: Kasi Jeffries <jeffries2009@yahoo.com>
Sent: Monday, September 27, 2021 8:42 AM
To: Aaron Panko
Subject: Subdivision Case No. SUB21-09 Address is: 4540 Pringle Rd SE, Salem OR 97302

Subdivision Case No. SUB21-09
Address: 4540 Pringle Rd SE, Salem OR 97302

My husband and I recently purchased our first home in an area that will be directly affected by the new subdivision that is proposed at 4540 Pringle Rd. We have many concerns with this proposal. Obviously we are overwhelmed with the direct affect this will have on our personal property such as the widening of our street (Sylvan Ave) cutting into our property line, the safety of our children, increase in crime/theft, and loss of the country feel that appealed so much to us when purchasing.

We are also very concerned about the neighborhood in general. This is a well established area. Many of the home owners have lived here for decades and feel very safe. The addition of so many houses will not only increase crime but the increased traffic will also put our children and pets at risk.

Aside from the affects on the surrounding neighborhoods, we are also worried about the intersection at Battle Creek and Hillrose. This is a blind corner with just a one way turn off of Battle Creek. It's dangerous as is and the purposal is going to increase risk tremendously for vehicular travel, pedestrians, and wildlife.

We'd also like to address matter of wildlife . Deer frequent the corner at Battle Creek and Hillrose. The whole area at question is actually full of wildlife that will be displaced by the construction. These poor animals are going to be forced into busy streets to find a place to relocate. With all the new construction already in process, they are going to have a hard time finding a new home.

One of Salem's main appeals is the natural landscape. We have incredible trees and foliage that allows us to enjoy country life balancing out the hustle of a bigger city. I have lived in Salem all my life and watched so much of our simple living dissappear into new construction. Of course this is just a personal concern but I think anyone who has lived here long enough to witness these changes would agree that we are at a point that enough is enough. This isn't the same town we were born and raised in.

Thank you for taking the time to listen to our concerns and allowing us a chance to voice our opinion.

Best Wishes,
Kasi and Michael
Jeffries2009@yahoo.com

Aaron Panko

From: Amelia Bray-Meehan <amelia.douglas23@gmail.com>
Sent: Monday, September 27, 2021 11:04 AM
To: Aaron Panko
Subject: Subdivision Case no. SUB21-09

Aaron Panko,

This email is regarding the Subdivision Case No. SUB21-09 at address 4540 Pringle Rd. SE, Salem OR 97302.

I have reviewed the proposal and I have objections and the following comments:

I used to live right across from the proposed site, and grew up loving the field and the animals there. I have been a South Salem resident my entire life.

I strongly believe putting in a new subdivision without regard for the trees, or the animals there is a huge mistake. That farmstead is one of the last remaining old farmsteads in the central Salem area and I think removing it would be doing a disservice to the residents of the city, and those that live around it.

In addition this subdivision would be massively dangerous to put in, as it stands the intersection at Commercial St. and Hilfiker is incredibly dangerous. There are accidents up there all the time due to lack of planning, if you were to have even more cars/people using it and the surrounding streets this would be negligent in my opinion. That area is not setup to support that many cars, houses, and people.

I truly hope you do not move forward with this project and instead leave it as is, maybe making it an historical site. Or come up with a different plan that is not a new housing development.

Thank you for your time,

Amelia Bray-Meehan
3264 Pioneer Dr SE, Salem OR 97302
(503) 569-2923
amelia.douglas23@gmail.com
09/27/2021

COMMENTS BY: Kenn Battaile,
4055 Mandy Avenue SE
Salem, Oregon 97302
Telephone: 503 364 3128
Email - knbatt@hotmail.com

re: MEYERS FARM: SUBDIVISION CASE NO. SUB21-09

DENSITY:

Much of the purpose statements in the Draft Policies for the Comp Plan are directed toward increasing densities as one technique to reduce housing costs in the future. Depending upon how you calculate the land availability for development on the Meyers Farm - total site minus open spaces and land set aside for future development (area to remain) - and the proposed number of lots between 139 and 161 the site density ranges from 5.39 to 6.27 units per gross acre neither of which make a positive move toward increasing density - as directed by HB 2001 and 2003 in the 2021 Oregon Legislature - and thereby reducing housing cost. [Phase 1 and 2 density as shown is 5.39 units per gross acre which is inadequate to meet the requirements of state law to provide for additional housing needs within the city limits.] Development costs per residential unit for the Farm are going to place individual lot cost well over \$125,000 which does nothing for the reduction of housing cost.

Recommendation: The proposal should be denied in its present configuration and final densities should be increased to a minimum of 8.5 units per gross acre.

OPEN SPACE:

The three cited open space areas - (1) the open space/wetland in the northwest corner of the property, (2) the detention basin at the northeast corner of the property, and (3) the open space at the north end and abutting the "area to remain" are of limited use to the residents of the subdivision. On the other hand they are great places for young people to be mischievous. For example: #1 site is very steep and not visually open to abutting properties - a condition for nefarious activities by young people; #2 site is relatively small and less susceptible to nefarious activities but only if it is maintained and kept relatively clear of brush and grasses; #3 site is too small and lends itself to a trash situation because the abutting properties are very likely to fence it off so that it is hidden from community eyes, thus a potential problem - site #3 is only appropriate as an open space if it is expanded to the south to include the "large lot" that seemingly fronts on the cul-de-sac off Aldrich Street; such an increase in size would also increase the community eyes on the open space and result in less nefarious activities. In no case should the City assume ownership by dedication or failure to pay taxes on any of these open space properties

Recommendation: The developer should be required to establish a home owners association to pay the taxes and cost of maintenance of these on site open spaces.

PARK:

The Meyers Farm property is coterminous with an undeveloped park at the east end of the south property line. The undeveloped park will eventually provide an park/open space for the Meyers Farm subdivision and the surrounding residential areas, but the existing park is inadequate in size for the service area of the Farm subdivision and areas to the east, south, and west. Expansion of the park should also provide for better access by residents of the Farm subdivision without impacting the subdivision's "area to remain", which contains the farm house, etc.

Recommendation: Use the system development charges from the Meyers Farm to purchase more park property between the west property line of the park and the alley to the east of Chaparral.

HILFIKER STREET:

For the forty-five years of my residency in south Salem there has been a desire to have an east west street connection south of Madrona between Pringle/Battle Creek and Commercial Street to provide an alternative access for residents going between the residential/commercial/industrial areas of SE Salem. The proposed Hilfiker Street provides that long sought connection. The connection is more important with the greater development of both the McGilchrist and Fairview industrial areas and the residential development of the Fairview Hospital property as far east as Reed Road and even more so as development occurs east of Reed Road. Consequently, the proposed Hilfiker connection will be heavily traveled and the proposed direct and straight alignment of Hilfiker will encourage heavy and speedy traffic, which is unfortunate, especially when about 30 % of the houses in phase 1 and 2 of the Meyers Farm subdivision will abut Hilfiker. Some effort should be made to control this traffic by making the through access of Hilfiker a little more circuitous, i.e:

- A. The proposed location of Hilfiker in this subdivision should be rejected and revised as follows:
 1. Over the long haul Hilfiker traffic should go straight east from 12th Street to Hillrose along the south Meyers Farm property line then north on Hillrose to Pringle/Battle Creek;
 2. In the interim Hilfiker should turn 90 degrees to the north at Chaparral proceed north to an east-west street at about the north end of the "area to remain" which would terminate on the east at Hillrose. This circuitous route will give more traffic speed control and provide a Commercial Street/Pringle/Battle Creek connection without making Hilfiker a "higher speed" collector. At the same time this alignment would not negatively impact the future alignment cited in 1 above; and
 3. The reconfiguration cited in 1 and 2 will result in:
 - a. a better intersection with the driveway of Salem Mission Faith Ministries at the SE corner of Hillrose and Pringle/Battle Creek,
 - b. no need to increase the maximum grade of Hilfiker, and
 - c. street spacing and connectivity standards should not have to be exceeded.
- B. Under all circumstances where Hilfiker is connected from 12th Street and Pringle/Battle Creek the following requirements are appropriate:
 1. Hilfiker between 12th Street and Commercial will need considerable improvements and a major portion of the changes should be the responsibility of the Meyers Farm developer;
 2. At the intersection of Hilfiker and Pringle/Battle Creek the developer should be responsible for:
 - a. a right turn lane from south bound Pringle traffic onto Hilfiker, and
 - b. a left turn lane from north and west bound Battle Creek onto Hilfiker; and
 3. Over time signalization will be required at this intersection.

Recommendation: Meet the conditions cited in A and B above.

12TH STREET:

Recommendation:

1. Maintaining the grade of this street with the improvements proposed is appropriate.
2. The improvements along the east side of 12th Street are necessary. In addition, it would be appropriate to use the system development charges from the Meyers Farm to assist the abutting property owners with the cost of improvements on the west side of the street.

TREES:

It is not clear who hires and pays the project arborist. The City should have major input into the actions/directions of the arborist regarding the implementation of the plan to remove or retain trees. Because cut down mature trees cannot be replaced, how does the City guarantee that the arborist is following the plan for removal or retention of trees?

In most situations the removal of trees is appropriate; however, the removal of trees along rear and side property lines - outside the development envelopes - is excessive; greater efforts should be made to retain trees - particularly the oaks near property lines. For example: Sheet P3.1 Oak trees designated - numbers 4891, 4932, 4933, 4955, 4954, 4956 are to be removed; see also similar situations on Sheet P3.2, P3.3 and P3.4. More explanation and defense must be made to explain why these trees along property lines are slated for removal.

Recommendation:

1. Clarify how the city will guarantee participation and some control in the questions of removal and retention of on-site trees, and
2. The developer and arborist should provide more explanation and defense regarding the removal of trees near property lines before the trees are approved for removal.

Aaron Panko

From: Anita Engberg <anitaengberg@centurylink.net>
Sent: Monday, September 27, 2021 4:47 PM
To: Aaron Panko
Subject: Subdivision Case #SUB 21-09

Mr. Panko,

As a person living in the Morningside area near the Meyer Farm, I am writing to voice my concerns about the proposed subdivision of that area. I went to the meetings several years ago when extending Hilfiker St. and developing the Hilfiker Neighborhood Park was being considered. That sounded tolerable, but to now learn that the city is proposing building 138 single family homes on the nearly 30 acres of the Meyer farm is very worrisome. My understanding was that that lovely parcel would be left as open space as our city becomes more and more crowded.

Traffic: Have you sat through lights at Commercial and Hilfiker as cars hurry through in three possible directions (many without signaling their intentions)? Try driving Hilfiker when the church next to Trader Joe's lets out, or cars depart there after a sporting event. The Hilfiker /Commercial problem intersection seriously needs to be addressed.

For the east end of the Hilfiker extension to be at the junction of Pringle and Battle Creek at a blind curve on a hill belies belief. It will become a major thruway between Commercial and Pringle/Battle Creek with cars heading for I-5. Obviously there is already one subdivision across Pringle, with the hillside south between it and Reed St. to be developed. Add 138 more homes to use that corridor and there will be a massive traffic increase. And this doesn't even address the traffic Costco will generate.

I believe the City of Salem was impressed with the study of the white oaks at Bush Pasture Park, and the need to preserve as many as possible. Hopefully this same concern would be shown at the Meyer farm area. Please.....we need all the tree canopy we can get to counteract our greenhouse gases. More houses = more cars, but less trees? No, we need to preserve the white oaks for sure, and as many other healthy trees as possible as this plan goes forward.

Salem is growing, I understand that. Please consider less housing density, more tree canopy, and address the seriousness of the extension of Hilfiker and plan for the increase in traffic before it happens.

Thank you for allowing me to express my concerns.

Anita Engberg
1355 Suntree Dr. SE
Salem, OR 97302
503 581-4121
Anitaengberg@centurylink.net

REQUEST FOR COMMENTS

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

REGARDING: Subdivision Case No. SUB21-09
PROJECT ADDRESS: 4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.: 21-113071-LD
COMMENT PERIOD ENDS: October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

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

Comments received by 5:00 p.m. Friday, October 1, 2021, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: APanko@cityofsalem.net.

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

PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.

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

Name/Agency: A. Martinez

Address: _____

Phone: _____

Email: adrienne1024@sbcglobal.net

Date: 9/20/2021

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

To: The Planning Division
Re: Subdivision Case No. SUB21-09
4540 Pringle Rd. SE, Salem OR 97302

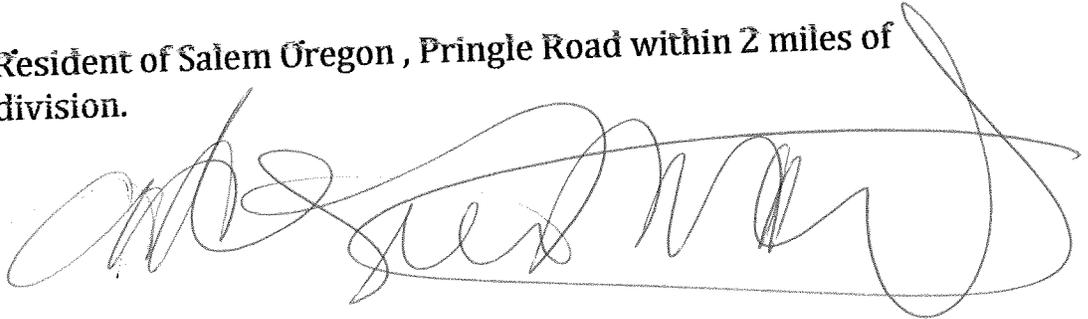
Dear Ladies and/or Sirs,

I am a very concerned citizen writing to you today to voice my passionate objections to the proposed removal of hundreds of trees unnecessarily

My family and I moved to Oregon because of the positive environmental city planning to reduce urban sprawl this new subdivision in or states capitol flies in the face of that care of the environmental impact. I would have thought that considering the past two summers of out of control fires in this particular region would give you all pause on needlessly cutting down more trees, Honestly what are you people thinking? We need all the trees we have in this area to help clean reduce the staggering amounts of pollution in the air. To lose 30% of the huge decades old trees is criminal in today's climate.

I implore you all to think about the impact this HUGE loss of natural habitat would have on the children that live and play in the area. There are TWO children's schools that would greatly benefit from cleaner air as well.

~A.Martinez, Resident of Salem Oregon , Pringle Road within 2 miles of proposed subdivision.

A large, stylized handwritten signature in black ink, appearing to read 'A. Martinez', is written over a horizontal line. The signature is highly cursive and loops around the line.

REQUEST FOR COMMENTS

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

REGARDING: Subdivision Case No. SUB21-09

PROJECT ADDRESS: 4540 Pringle Rd SE, Salem OR 97302

AMANDA Application No.: 21-113071-LD

COMMENT PERIOD ENDS: October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

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

Comments received by 5:00 p.m. Friday, October 1, 2021, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: APanko@cityofsalem.net.

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

PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.
2. I have reviewed the proposal and have the following comments: *So About 1992 there was a fatality Accident at the corner of 12th & ALBERT Partway in our front yard the 12% hill it T-Boned another car. With a 17% hill I feel like you would be creating a launching pad like there was an Lardouse SE. Please keep this in mind and use all precautions available.*

Name/Agency: Kim Paul

Address: 1195 ALBERT DR. SE.

Phone: 503-871-9136

Email: KimPaul@comcast.net

Date: 9/24/2020

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

REQUEST FOR COMMENTS

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

REGARDING: Subdivision Case No. SUB21-09
PROJECT ADDRESS: 4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.: 21-113071-LD
COMMENT PERIOD ENDS: October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

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

Comments received by 5:00 p.m. Friday, October 1, 2021, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: APanko@cityofsalem.net.

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

PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.

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

Living across from Leslie School, I am deeply concerned about the traffic flow on Pringle. In addition, the new Costco will add to the traffic flow on this side of town.

Name/Agency: Mary Hiatt

Address: Tiburon Ct.

Phone: _____

Email: luva sheep@yahoo.com

Date: 9-22-21

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

REQUEST FOR COMMENTS

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

REGARDING: Subdivision Case No. SUB21-09
PROJECT ADDRESS: 4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.: 21-113071-LD
COMMENT PERIOD ENDS: October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

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

Comments received by 5:00 p.m. Friday, October 1, 2021, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: APanko@cityofsalem.net.

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

PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.

2. I have reviewed the proposal and have the following comments: *Removing 70% of the properties trees, including protected oaks is unacceptable for creating a sustainable ecosystem. The proposed Hilfiker extension to Battleground road is incredibly dangerous. Battleground and Hillrose have a blind curve, this would cause many accidents with the increase in traffic.*

Name/Agency: Jenny H.
Address: Roseway Ct SE Salem, OR 97302
Phone: _____
Email: _____
Date: 9/23/2021

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

REQUEST FOR COMMENTS

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

REGARDING: Subdivision Case No. SUB21-09
PROJECT ADDRESS: 4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.: 21-113071-LD
COMMENT PERIOD ENDS: October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

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

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CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: APanko@cityofsalem.net.

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

PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.
2. I have reviewed the proposal and have the following comments: 1) INSTALL SPEED BUMPS OR TRAFFIC CIRCLE ON DEVELOPER'S 12TH ST. ALREADY DANGEROUS SPEEDERS ON BLIND HILL.
2) WEST SIDE 12TH ST. DEVELOPMENT - IF SIDEWALKS - PLACE NEXT TO CURB - NO GREEN SPACE BETWEEN CURB & SIDEWALK. HOUSE FRONT TOO CLOSE TO STREET.

Name/Agency: Jill DeVries
Address: 4383 12th St. SE
Phone: 503-569-4326
Email: devries47@netzero.net
Date: 9/21/2021

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

REQUEST FOR COMMENTS

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

REGARDING: Subdivision Case No. SUB21-09
PROJECT ADDRESS: 4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.: 21-113071-LD
COMMENT PERIOD ENDS: October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

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

Comments received by **5:00 p.m. Friday, October 1, 2021**, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: APanko@cityofsalem.net.

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

PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it. *Oppose.*

2. I have reviewed the proposal and have the following comments: *THIS PLAN KILLS LIFE*
terrible plan. Dangerous traffic (Hillrose 3
problems, destruction of native ecosystems within this property, endangered
birds, veside on this land. Environmental destruction from deforestation
Very cutting down 70% of the trees is bad for community! MAKE THIS AN URBAN PARK!
Hillrose 3
Patterned
Will pay more
taxes!

Name/Agency: Kelley H. (KLD)
Address: Roseway Ct SE Salem, OR 97302
Phone: _____
Email: _____
Date: 9/23/2021

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

Aaron Panko

From: David Meehan <davidmeehan7@gmail.com>
Sent: Tuesday, September 28, 2021 11:51 AM
To: Aaron Panko
Subject: Subdivision Case No. SUB21-09

Aaron Panko,

This email is regarding the Subdivision Case No. SUB21-09 at address 4540 Pringle Rd. SE, Salem OR 97302.

I have reviewed the proposal and I have objections and the following comments:

As a long time South Salem resident, I believe putting in a new subdivision is a huge mistake. We as a city should be giving more thought to people and pedestrians than to cars and houses. This subdivision would be dangerous and negligent to put in. There are so many families with young children that live in that neighborhood or surrounding neighborhoods and the increase in car traffic would put them at greater risk. That area is simply not set up to support that many cars, houses, and people.

Also that farmstead is home to a lot of wild life that I believe should be considered in this change. I would propose leaving the site as is, it is a beautiful field at the moment with beautiful trees surrounding it. Or coming up with a new proposal, like perhaps a park.

If Salem does go forward with this approval, the development as it stands does not align with Salem's ideas for the future. It should include fewer houses, more multifamily, more greenspace and retail centers to increase walkability.

I implore you to not move forward with this project as proposed.

Thank you for your consideration,

David Bray-Meehan
3264 Pioneer Dr SE, Salem OR 97302
(503) 510-7930
davidmeehan7@gmail.com
09/27/2021

Aaron Panko

From: BillJane Hansen <billjanehansen@gmail.com>
Sent: Tuesday, September 28, 2021 11:59 AM
To: Aaron Panko

Aaron Panko,

Planner III, City of Salem Planning Division

555 Liberty Street SE, Room 305, Salem, Oregon 97301.

Re: Subdivision Case No. SUB21-09 Address is: 4540 Pringle Rd SE, Salem OR 97302

Mr. Panko,

My husband and I have lived in the area for more than 40 years. When we moved here most of the area was still in the process of being developed and we were thrilled to be on the outskirts of Salem with a considerable amount of open land surrounding the area and an old orchard across Pringle where wildlife still flourished. We're now surrounded with a multitude of new homes with even more planned as part of the Fairview project and now the city is proposing that we add to that influx with more housing in the one area of open that this community still enjoys.

My husband taught at Leslie Middle School for 18 years. His classroom sizes were upwards of 40 students nineteen years ago and we doubt the situation has improved considering the new homes that have since been added in this neighborhood. Where is this new multitude of children going to attend school? Are there also plans for new middle and elementary schools to support the educational needs of the hundreds of children you plan to bring into the area?

Adding an intersection at this blind corner at Battlecreek and Pringle ... really? Granted the road has improved considerably since we moved to the area but I still remember the almost weekly accidents at that curve. Where would you suggest adding traffic control? Trying to safely get onto Pringle from our side street just north of that curve is already exciting. And since the city accessed our area to 12th Street some years ago we've had three pretty major accidents at the end of our driveway including one fatality. Once Hilficker is opened to Battlecreek we can only cringe at the impact the streets in our enclave are going to endure when people realize that access to Pringle can be obtained without having to deal with that intersection at all. The fact that this neighborhood is already anticipating a serious increase in traffic due to the approval of the building of a new Costco a mile away makes this proposal to add even more traffic more than upsetting.

I understand the attraction of adding to the tax rolls and increasing the revenue the city will enjoy but nevertheless I am compelled to tell you that this proposed addition will damage this Morningside community. Our property values will devalue, we will be dealing with a serious increase in traffic concerns, we will lose a significant portion of what little green space we still enjoy and despite all the promises to retain in part the things that make our area special those things will be at the bottom of the agenda and may, conveniently, never come to fruition. Please, don't approve this proposal.

Thank you for your attention to our concerns.

Jane Hansen

1357 Suntree SE

Salem, OR 97302

503-362-6746

Aaron Panko

From: Molly Douglas <goodgollymissmollykate@gmail.com>
Sent: Tuesday, September 28, 2021 8:45 PM
To: Aaron Panko
Subject: Comments for Case No. SUB21-09

To Aaron Panko, Planner III,

I am writing in regards to subdivision case No. SUB21-09 at 4540 Pringle Rd SE, Salem, OR 97302. AMANDA Application No.: 21-113071-LD.

The letter I am writing you today is in opposition to the proposed development of 29.68 acres. I have reviewed the proposal and have the following comments (as listed below). I've included as many reputable sources as possible to help state my case (these include links to the CDC, WHO, and The Bureau of Land Management, and more).

I spent 20 of my formative years growing up alongside the farm that is now proposed to be developed. Even now, my parents live alongside this area and I can just imagine the massive amounts of stress they (and the neighbors of this area) will experience with what it takes to develop this amount of land ([source](#)). Once finalized it would no longer be the place I used to call home or a place I would enjoy bringing my own children to, to visit their grandparents.

Below I will state my case for halting this project, and an alternate proposal for the city.

Impact on wildlife and protected species:

The land and wildlife that reside in this unique biosphere contain but are not limited to: deer, hawks, raccoons, opossums, snakes, frogs, countless insects, many species of birds, and owls. Most importantly, the northern spotted owl.

The northern spotted owl is Federally listed under the Endangered Species Act as a threatened species in Washington, Oregon, and California, and State-listed as threatened in California and Oregon, and endangered in Washington ([source](#)). Habitat is essential and critical for the continued population of this species. To remove the old-growth habitat that this owl calls home would endanger this owl's chances of survival.

For this reason alone, the project should be entirely abandoned by the City of Salem as this not only endangers the Northern Spotted Owl but Oregon's space within the wildlife preservation community.

Environmental impacts:

The carbon footprint of adding 138 single-family lots would add to the increase of global warming. As mentioned above it would contribute to the rapidly decreasing plant, animal, and microorganism biospheres of Salem, Oregon.

For example, concrete is one of the most destructive materials on earth ([source](#)) and should be avoided at all costs. Those 138 single-family lots would add a *significant* amount of concrete.

Indigenous land:

The land that this subdivision is being proposed on is land that originally belonged to the following local nations ([source](#)):

- Kalapuya
- Confederated Tribes of Siletz Indians
- Confederated Tribes of Grand Ronde
- Santiam

In an effort to repair and strengthen our relationships with these local tribes I would ask if they have been consulted on the use of this land. And if they have not, I would request that they are ([source](#)).

Traffic and safety:

It has been well documented (both by local residents, and otherwise) that the areas surrounding the acreage proposed for this subdivision have become increasingly more congested over the last 20 years. I experienced this first-hand, witnessing traffic and pedestrian accidents (specifically near the intersection of Hilfiker and Commercial, and 12th street/Hilfiker).

With the addition of 138 single-family dwellings, that area could see up to 276 cars (possibly more) added to the number of traffic surrounding the area. I do not believe the plans adequately account for this significant and irreversible increase in traffic.

Proposal

My proposal would instead be to utilize this land for the people of the City of Salem. I believe that the land would be much better utilized as a community space. This would help the health of the community, as well as the plants and animals that call this area their home.

Salem could absolutely use more space for kids, and teens. This land could be utilized as a space for biking/walking trails, a community garden, and a park. Having an area like this in the heart of the city would be phenomenal to the health of the city and its residents ([source](#)). In fact, there are many studies on the health benefits of parks within city limits ([source](#)).

It would be a devastating loss to Salem to see this area utilized for yet another subdivision instead of being repurposed as a green space.

According to the World Health Organization: "Modern urban life style is associated with chronic stress, insufficient physical activity and exposure to anthropogenic environmental hazards. Urban green spaces, such as parks, playgrounds, and residential greenery, can promote mental and physical health, and reduce morbidity and mortality in urban residents by providing psychological relaxation and stress alleviation, stimulating social cohesion, supporting physical activity, and reducing exposure to air pollutants, noise and excessive heat." ([Source](#))

Additionally, adding a green space would enable more jobs for the City of Salem ([source](#)). This would add longer-term economic benefits rather than the short-term benefits of building crews and site maintenance workers who will only remain for the next 1-2 years.

I would ask that you strongly consider my above comments, and what a new green space would mean to the city. It would be heartbreaking to see this area turn into another subdivision when there's so much more that could be done to help support the city of Salem.

Thank you for your time, and consideration.

Sincerely,
Molly Douglas

REQUEST FOR COMMENTS

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

REGARDING: Subdivision Case No. SUB21-09
PROJECT ADDRESS: 4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.: 21-113071-LD
COMMENT PERIOD ENDS: October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

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

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CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: APanko@cityofsalem.net.

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

PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.

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

*Please see attached
COMMENTS.*

Name/Agency: Tom and Kathi Douglas
Address: 4323 12th St. S.E., Salem OR 97302
Phone: 503 364-3655
Email: douglasclan59@aol.com
Date: 9-25-21

RECEIVED

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

This letter is regarding the Land use request located at 4540 Pringle Rd. SE, Salem OR 97302 Subdivision Case No. SUB21-09

As long time residents who live directly across the street from this proposed subdivision we are writing to let the planning commission in charge of this project know that we highly object to the proposed plans that we were sent and that we have reviewed. There are many pertinent reasons for our objections to this ill conceived plan.

First and foremost we have strident objections concerning the impact that this subdivision will have on the traffic flow in and around this area. If you've done your research and looked at the traffic patterns at the intersection of Hilfiker and Commercial Street you will have already seen that this intersection is currently already a problem concerning traffic flow and vehicular accidents. Adding up to 138 dwellings with up to or exceeding 2 cars per household you should be able to see the definite problem that this subdivision will cause at that intersection. Your plan will not be sufficient to take care of the added traffic issues that your subdivision plan will cause at this intersection.

We are also highly concerned about the dangerous conditions that this subdivision will cause on 12th St directly across from the land in question. 12th St. is a blind hill with little to no visibility. We live at the top of this blind hill and even though the slow speed is posted and there is a blind hill sign these have done little to remove the dangerous situation we are faced with. It is our understanding that there is a plan in place to grade our hill to hopefully "remove" the blind spot. We also have objections to this part of the plan because of the horrific effect it will have on our already steep driveway. Grading the hill will only serve to make our driveway's street access even steeper. During the years that we have lived here there have been many incidents including a fatal car accident on this street. I would question whether the engineers and planners of this subdivision are willing to take legal responsibility for traffic accidents that will occur from the added traffic on the streets that surround this land.

We have lived in our house for almost 30 years so we are very familiar with the traffic patterns, geology, wildlife, and storm water issues in this area. It is obvious that the engineers and planners do not have the same understanding of this area. Storm water is a very real issue when living on a hilly area and with the proposed subdivision I can see run off issues in the future. We are very concerned about our property values being adversely affected with the proposed subdivision. Like most people. we have invested ourselves and our finances in our property and your proposed subdivision is a serious threat to our investment. This plan will remove the view from our house. Just like a mountain or coastal view affects the value of a property this wildlife view and noise levels affects the value of our property. How

will this be addressed by the planners and engineers of this project?

It was our understanding that the land that is being proposed as a subdivision was only zoned for Residential Agriculture and single family dwelling. We were unaware that the land in question had been rezoned for multiple family dwellings. This should have been on a ballot that citizens could vote on. I have not seen this property on any ballots over the last 5 years.

Our final objection concerning this proposal is the negative and irreversible impact that this subdivision will certainly have on the wildlife and trees that currently constitute the biome of this property. How is this issue being addressed by the planners and engineers? The insubstantial amount of open space in comparison to the developed area in the current plan will not be sufficient to address this problem.

We would appreciate it if you actually take our voices into account concerning this proposal and the adverse affect it will have on the living conditions and property values in this area. Our voices and our living conditions in this area should be just as important if not more important than big companies making money off of building this horrific subdivision.

Tom and Kathi Douglas

4323 12th St. S.E.

Salem, OR 97302

REQUEST FOR COMMENTS

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

REGARDING: Subdivision Case No. SUB21-09
PROJECT ADDRESS: 4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.: 21-113071-LD
COMMENT PERIOD ENDS: October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

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

Comments received by 5:00 p.m. Friday, October 1, 2021, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: APanko@cityofsalem.net.

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

PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.
 2. I have reviewed the proposal and have the following comments: see attached letter

Name/Agency: Rachael Atchison + Will Wherity
Address: 3589 Pringle Road SE, Salem, OR 97302
Phone: (650) 455-5583
Email: occupyrachael@gmail.com
Date: 9/25/2021

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



Rachael Atchison and William Wherity

3589 Pringle Road SE, Salem, OR 97302

September 25, 2021

Aaron Panko
City of Salem Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

Dear Mr. Panko,

We are writing to express our concerns regarding Subdivision case no. SUB21-09 in Southeast Salem. In this day and age, facing an extreme climate crisis, our city should be doing everything it can to increase carbon capture and mitigate global warming.. Taking this into consideration, it makes no sense to remove 451 trees to replace them with a mere 138 single family homes. This project simply does not generate enough housing to make that tree loss acceptable. Any project approved should take into consideration the need for denser (truly affordable) housing and tree preservation. There are plenty of areas in this city that can be developed vertically in a truly sustainable manner. We need to create density in areas where trees have already been removed.

I hope you listen to our concerns and make wise decisions about a sustainable future for Salem. We must act now to put a livable environment ahead of developer profit.

Sincerely yours,

Rachael Atchison

William Wherity

Aaron Panko

From: Patrice Aiello <aiello973@comcast.net>
Sent: Wednesday, September 29, 2021 9:26 AM
To: Aaron Panko
Subject: Meyer Farm Development

Mr. Panko

I am writing to oppose the development of this property. I live at 6067 Pikes Pass so I am not a Morningside resident.

I believe that the City should purchase this property for a park. I am aware that housing is a high priority. I am also aware of the incredible amount of development that is coming to the Fairview area and numerous housing projects that are going in here in South Gateway.

Along with this tremendous expansion of housing, there needs to be recreational open space. Developments must be balanced with adequate parks. Even with Battle Creek Park eventually being completed, the open space for these multiple developments does not exist. Minto Brown is an example already of over use. It can't absorb the thousands that will be coming.

The tiny lot size that the City is approving is already providing the extreme density to house more people and collect more taxes. Please do not make Salem into a giant and hideous tract housing project. Please, please preserve this beautiful area of the Meyer Farm.

Thank you

Patrice Aiello

Aaron Panko

From: Jeff Graham <mugdockscot2@gmail.com>
Sent: Wednesday, September 29, 2021 9:51 AM
To: Aaron Panko
Subject: SUB21-9

The notice of filing for SUB21-9 is insufficient for public comment for a project of this size. The application should be denied until several major concerns are addressed in a staff report and the public is given time to comment.

1. The applicant should explain how City tree preservation requirements will be met. The planning staff should clarify the City procedures for enforcing tree preservation requirements and give the consequences are if trees are removed in violation of City requirements.
2. This property is ideally located for expanding Hilfiker park. The planning staff should explain how the Park System Master Plan requirements will be met in this area.
3. The planning staff should address the potential of this land for open space in reference to the Comprehensive Plan goals for open space (page 44): *“The preservation and connection of identified natural open space areas shall be protected through public acquisition and/or land use regulation.”*
4. The applicant should provide a traffic analysis.

Aaron Panko

From: James MacAfee <JMACAFEE1@msn.com>
Sent: Wednesday, September 29, 2021 10:02 AM
To: Aaron Panko
Subject: Subdivision No. SUB21-09, 4540 Pringle Rd SE, Salem, OR 97302

Mr. Panko:

I live at 1320 Roseway Court SE on the north side of the proposed development and adjacent to proposed lot 99.

You are probably aware of the intense flooding of the mid-1990s which flooded my neighborhood due to the unimpeded grade of the hill that will become lots 97-113.

The City, to date, has successfully solved this problem by constructing a French drain immediately behind proposed lot 97 and within my own neighbors' property, 4250 Mandy Ave. SE, that borders proposed lots 97 and 98.

Phase 1 of the proposed subdivision needs to address future potential flooding issues due to the intense excavation and paving that will occur:

1. Preserve the trees along the north border at the north end of lots 97-106.
2. Consider adding a drain line along the north edge of the lots (which would parallel the existing French drain).
3. Employ temporary erosion measures until the new street/cul-de-sac for lots 97-113 is paved.

The concerns prompting these three proposals should be addressed in any City approval of the subdivision.

Sincerely,

James J. MacAfee, PC
Attorney at Law
OSB Number 793082
60870 Larsen Road
Bend, OR 97702-9226
(503) 580-1215

Aaron Panko

From: Brian Perkins <brian1perkins@gmail.com>
Sent: Wednesday, September 29, 2021 10:28 AM
To: Aaron Panko
Cc: Sarah Perkins
Subject: Meyer Farm

Hi Aaron

left a voicemail for you and thought a follow up email would be appropriate.

Can you provide insight on to whether Sylvan and/or Sunland will be improved with sidewalks as well?

I have lived at two addresses since 1981 (1477 1981-2000) and (2004-present at 1467). In my experience this street has been forgotten about during any improvement in our area and it would be appreciated to ask that the improvements be mandatory to the developer.

After reviewing the path from Commercial to Battlecreek/Pringle it would seem obvious that Sylvan will become a thoroughfare similar to what Suntree and Mandy is now.

appreciate some feedback if an official request needs to be made.

regards,

Brian & Sarah Perkins
5035105556
brian1perkins@gmail.com

Sent from my iPhone

Aaron Panko

From: dewdropw@aol.com
Sent: Wednesday, September 29, 2021 10:56 AM
To: Aaron Panko
Subject: Meyer Farm Development

Mr. Panko,

PLEASE do not allow the Meyer Farm to be developed into ANOTHER housing tract. Salem needs AFFORABLE housing for the many Salem residents that cannot afford the outrageous home prices in our community. Another housing tract will benefit people moving from states where homes easily sell for \$1 million. Wow, look what they can get in Oregon! Hardworking, middle class people are being priced out of the housing market.

Shame on you and the City of Salem if you go through with this before dealing with the serious problem of the unsheltered, homeless and housing for the working poor in our community.

South Salem has dealt with ENOUGH building. Once the Costco on Keubler opens, it will be a traffic nightmare for everyone living in that area. What's going to happen to the old Costco? Why doesn't the City of Salem buy it and develop into TRULY affordable housing.

Daniel & Deborah West
314 Kanuku St. SE
Salem, OR 97306
(503)409-2543

Aaron Panko

From: Geoffrey Savin <gsavin@wastequip.com>
Sent: Wednesday, September 29, 2021 12:51 PM
To: Aaron Panko
Cc: kjsavin@gmail.com; gksavin@gmail.com
Subject: Subdivision case No. SUB21-09

Importance: High

1. What's the timeline of completing Phase 1 and 2? Are there any set dates by which Phase 1, 2 must be completed?
2. The lot sizes seem very small at nearly ½ size of any lot of adjacent properties. How was the minimum lot size determined?
3. The plan is unclear on what the fence between Georgetown (Roseway Ct) and Phase 1 going to look like. Will the developer be responsible for building privacy wall between two subdivisions?

Aaron Panko

From: Randie Perkins <randie.per@gmail.com>
Sent: Wednesday, September 29, 2021 3:30 PM
To: Aaron Panko
Subject: Subdivision Case No. SUB21-09 Proposed Meyer Farm Subdivision

I have reviewed the proposal and have the following comments:

1. The proposed subdivision will impact streets Sunland, Hillrose and Sylvan Avenues with a lot of additional traffic. These are unimproved streets which have been improved enough to handle the traffic that they already have. What assurances do we have that we will not bear any unnecessary cost to improve the streets to handle this new influx of traffic? We have been just fine with the streets as it is for the last forty years we have lived here. We already have the influx of new traffic from Cambridge Woods ever since the city connected Sunland to the Cambridge Woods subdivision. We propose that the new subdivision bear the cost for improving Hillrose, Sylvan, and Sunland to meet the standard necessary to handle the increased traffic.

2. What proposals are in place to handle the additional school requirements for a subdivision of this size? We are concerned that we will be asked to financially support the additional school requirements. Are there any provisions in the plans for this subdivision to support additional schools?

3. We object to the size of the lots proposed for the new subdivision. Lots 40 feet wide are just not wide enough for a housing development in this neighborhood. I realize you want to cram as many houses as you can into the city in order to collect more property tax revenue. But please give us a break and don't allow this overcrowding to happen in our neighborhood.

RANDIE PERKINS
1477 SYLVAN AVE SE, SALEM, OREGON 97302
randiep4@comcast.net
September 29, 2021

TO:

Aaron Panko, Planner III,
City of Salem

Re: Subdivision Case No. SUB21-09

From:

Jacqueline A. Hilfiker,
1325 Hilfiker Ln. S.E.
Salem, OR 97302
503-362-3493
hejahctf@Yahoo.com
09-29-2021

Comments: The Meyer Property is a beautiful pastoral piece of property which should be enjoyed by the public as a rural park and not destroyed by the encroachment of a multi-housing development. I am in total agreement with the Morningside Neighborhood Committee that this property should not be developed but left in a natural setting in which folks, young and old alike, can take pleasure.

Concerns: 1 Impact on the Hilfiker property which is located directly south of and adjacent to the Meyer property. At present there minimal fencing since there was no need for anything more than that. However, with the proposed development of so many homes, I feel that a more property defining fence should be installed and maintained by the developer. This fencing would have to meet with my approval.

2 At present there is no western entrance to Hilfiker Park except through our property. Building 138 homes adjacent to the Park, would bring more usage of the park and therefore more foot traffic across Hilfiker property. How does the Planning Division plan to resolve this issue?

3 Access to our driveway is also a concern. From the looks of the map it seems quite awkward and unacceptable.

- 4 The additional automobile traffic! Assuming that only half of the 138 homes will have cars using Hilfiker Ln. for entering and exiting that area, and even with the streets being improved, has the Planning Division given any consideration to the intersection of Hilfiker at Commercial? With Walgreen's and Trader Joe's, plus the other businesses in that shopping square all exiting and entering those business areas via Hilfiker, it is a jammed up intersection now. What will it be like with all those additional cars not to mention pedestrians, the street parking when Bethany Baptist Church has special functions, and the normal (at present) traffic from the current neighborhood?

Let's give South Salem a landmark park where we can all enjoy nature at it's best, one season at a time, and be able to thank to our City Planners that they have the foresight to preserve such a gorgeous piece of land.

Aaron Panko

From: Aleta Wieneke <aletawnk005@gmail.com>
Sent: Wednesday, September 29, 2021 4:28 PM
To: Aaron Panko
Subject: Proposed Subdivision on Meyer Property, SE Salem, OR

Mr. Panko,

We live on Elser Dr. SE, which is on the north side of the proposed subdivision development on the Meyer property.

We are truly sad to hear that this property, a rather small piece of quiet pasture and forested land, a rare rural retreat in SE Salem, is now being seriously considered for development. What a loss to SE Salem. This undeveloped farmland and forested area is a refuge for deer, opossums, skunks, squirrels, and many other animals, all struggling to survive amongst the ever-expanding developments in south Salem and Salem in general. It is a nesting area for birds of prey and many other species of birds. It is one small area of peace and quiet left. There are several productive ways to preserve and maintain this property, all while keeping it in its natural, undeveloped state. There could be educational opportunities for children and the citizens of our community if this property is minimally developed with conservation and education in mind, perhaps being turned into some kind of preserve or protected area.

There are many old trees on the property, including oak trees, which deserve to be protected and preserved. There are so few natural areas left; southeast Salem is being developed at an alarming rate. There is very little open space left that has not been the target of proposed housing developments; proposed apartment and housing developments seem to be filling every available acre.

There have been several instances of flooding in the past, which flooded our neighborhood due to the grade of the land that will become part of this development. Possible flooding issues need to be addressed before this land is excavated and covered with pavement and concrete.

Traffic is becoming a major issue. Pringle Rd SE and Battle Creek cannot handle the traffic that will be generated as a result of the construction of all of the proposed developments, and Commercial St. SE is already a traffic nightmare. Salem is no longer the beautiful, pleasant city it was before development became the primary objective. There is still great value in maintaining quiet, peaceful and natural areas for the ever-dwindling wildlife on this planet, and for Salem's citizens.

Sincerely,
Aleta and Patrick Wieneke
4235 Elser Dr. SE
Salem OR 97302

Aaron Panko

From: Lucas Belch <lrbelch@gmail.com>
Sent: Thursday, September 30, 2021 6:17 AM
To: Aaron Panko
Subject: Comment: SUB21-09

Hello Adam,

Regarding the plans to build on this property, I'd like to submit comment that I, as a member of the local community (resident of SE Salem and property taxpayer of Salem taxes), strongly oppose the plan, and request that it be stopped. Even if many trees are spared, the overall ecosystem cannot sustain these kinds of assaults. These oak groves are what the area used to be full of, but are quickly disappearing due to these kinds of plans. Moreover, the ecosystem should not take a back seat to more single-family housing that's not needed. Instead, please explore restoring old commercial/industrial properties with multi-family housing, parks and walkable access to stores.

Thank you,
Lucas Belch

503-200-4059

Regarding: Subdivision Case NO. SUB21-09

To Whom It May Concern,

9/28/2021

As a property owner with multiple homes on 12th Street I am concerned with the proposal submitted regarding the Meyer's property development. 138 single family homes being proposed is going to create a huge increase in traffic on both 12th and Hilfiker. Plus, they are probably going to cut down a lot of the old oak trees on 12th street and others on the property. Some of those are very, very old. Along with being white oaks which is supposed to be protected by the city. This will no doubt change the quietness of the neighborhood.

I have lived in South Salem my entire life of just about 69 years. I grew up in one of the houses across the street and my sister now owns the home (4373 12th St) and lives there with her family. We have enjoyed watching the turkeys, coyotes and deer roaming the neighborhood. They will all be displaced. Currently, my daughter and her family live in a home directly across from the proposed development site 4353 12th St. We also own the home next door at 4363 12th St. We were hoping the area would remain natural and country like. With this proposal nothing will be natural but the city taking over lots.

I played and walked to school in the neighborhood and our family even has a street named after our family Kampstra St. This is my neighborhood please keep it from becoming over developed.

I strictly oppose this proposal.

Guy Kampstra

Email: churchsoftball77@comcast.net

Aaron Panko

From: William Wherity <wwherity@yahoo.com>
Sent: Thursday, September 30, 2021 8:15 AM
To: Aaron Panko
Subject: Meyer farm proposal

Dear Mr Panko,

I am very concerned about the proposed plan to turn Meyer Farm into 138 single family houses. The Oak Savannah habitat is what used to make up most of the Willamette Valley, but it is now very rare, and has almost been completely eradicated in Salem. Once this precious ecosystem is gone it is gone forever. Salem should be preserving such biomes within its borders even though it is more expensive in the short term.

Salem, of course, does need more housing stock, but this sort of housing is not really the solution, and will certainly not put a dent into homelessness. The city needs to be more creative in finding areas to infill and rezone so that denser, more vertical dwellings can add to the housing stock, while green space is preserved for all. Everyone knows that many retail spaces are not going to be coming back as retail, and that more retail will move out in the near future. What is Salem doing to rezone this “brick and mortar” for housing?

Ultimately natural environments are the most precious resource we have. Thoughtless growth for profit will be the ruin of the planet, so that really is the most expensive option.

Please save Meyer Farm!

Sincerely,

Will Wherity, Salem

Sent from my iPhone

Aaron Panko

From: Charlotte Schreffler <queenofthelighthouses@hotmail.com>
Sent: Thursday, September 30, 2021 10:03 AM
To: Aaron Panko
Subject: The Old Meyers Farm

Hello. Salem , Oregon was where 3 of us sisters were born. And we used to live next door to Uncle George Veall. He owned the Camp Crestwood. On the old Sunnyside Rd SE. Then our grandma and Grandpa Wallace And Kate Barnes owned the property on Ridgeway Dr. SE On the Turner Mk. road. Grandma and Uncle Tom Barnes sold to Bryant Enterprise's. They also had 7 acres of 🍒. They sold in Nov 1970. Just reminiscing. 😊 Salem has gone down the drain. Our beautiful Salem. Not because of homeless, maybe some, but people from Cal. came in and build up things, and raised rent. Us girls went to North Salem High. I lived in Cal 50 yrs till 2016. My husband and I went back after We married in 62. We stayed in 63 and 64. We left in Spring came back. I wanted to know why people sell. Must be the family. Because there is no real reason to turn that into a subdivision, really. It is Historical.The people who bought some land So of town. Old Illihee at Turner, Oregon , now have it as Illihee Hills. Over a million \$ on houses. I do know life and things can never stay the same for the people who like historical property and things. Thank you 😊 Sincerely,
Charlotte Schreffler Medford Oregon.

Aaron Panko

From: Lucy Hitchcock <lucyhitchcock8140@gmail.com>
Sent: Thursday, September 30, 2021 11:47 AM
To: Aaron Panko
Subject: comment on 4540 Pringle Road proposed development

Dear Aaron Panko,

I wonder if city planners have driven around Morningside Neighborhood lately. The amount of housing development from apartments to single family homes is astounding. Where are the parks, green spaces, trees, urban farms, to be retained and developed for public usefulness?

If you read what climate change is going to bring and peak oil (2018) has already initiated, transporting goods, including food is going to increasingly difficult to impossible. It is necessary to "go local" and provide as much as possible produce and needed production near population centers. Why abolish an urban farm? (Read Alice Friedeman, "When Trucks Stop Running," and "Life After Fossil Fuels.")

Salem's climate action plan asks to increase the tree canopy to sequester carbon. Why would another branch of the City of Salem agree to cut down established trees, especially oak trees it has pledged to retain. Oaks and conifers are among the best sequesterers of carbon. Look at the map you have provided. Where are all the cars going to go and their exhaust that needs trees to capture it? Where is the public transportation for all of Morningside?

The departments of Salem need to talk to each other. Land use codes must be updated before we've lost the open spaces we have and that the already packed-n housing development needs for our children, for walking, biking, recreation of our residents, cooling and breathing. Look at some of these apartment complexes and housing developments, there is no play space. No wonder our children are growing up with little consciousness of the earth, the greenery, the nearby agricultural land for community gardens that are and will be needed even more.

Once the land is paved over, the city can't turn it green again. The development of the Fairview acreage in Morningside is enough already. Save the Meyer farm.

Thanks for listening,
Rev. Dr. Lucy Hitchcock
1715 John Muir Circle SE, Salem, OR 97302.

Aaron Panko

From: lorrie walker <dakotalor@msn.com>
Sent: Thursday, September 30, 2021 11:47 AM
To: citycouncil; CityRecorder; Aaron Panko; lorrie walker
Subject: Proposed Subdivision of the Meyer Farm

I am writing in opposition to development of the Meyer Farm property. I am very familiar with the home, land, greenhouse, etc.

I am a long term Salem resident since 1971. I lived out Battlecreek Road for many years before moving into town. I spent some awesome time at the Meyer farm and the Glass Barn greenhouse. I learned just about everything I know about plants there.

Development would certainly be a missed opportunity in my opinion. I can think of no better area for the city to acquire and purchase for the people of Salem. For future generations to see what Salem was like before parking lots and homes took over.

The area is filled with trees, wildlife. Deer, all kinds of critters, all kinds of birds. They would not survive surrounded by busy roads and habitat removed. Pavement.

That area will soon be affected by traffic going to and from Costco. Placing more homes in a area that can barely handle the amount of traffic now would be a very poor decision. The road is narrow. The corner of Pringle going toward Battlecreek has limited visibility.

Please consider purchase, protection, environmental, etc. Save this property from this type of destruction and development, forever.

Respectfully,

Lorrie Walker
SCAN resident

Sent from [Mail](#) for Windows

Aaron Panko

From: Salem Planning
Sent: Thursday, September 30, 2021 12:23 PM
To: Aaron Panko
Subject: FW: Contact Planning Division
Attachments: ATT00001.bin

I think this is for you?

Jamie Donaldson | 503-540-2328

From: noreply@cityofsalem.net <noreply@cityofsalem.net> **On Behalf Of** Lworth135@gmail.com
Sent: Thursday, September 30, 2021 12:03 PM
To: Salem Planning <Planning@cityofsalem.net>
Subject: Contact Planning Division

Your Name	Laura Worth
Your Email	Lworth135@gmail.com
Your Phone	9712414221
Street	3275 SW Redmond Hill Rd
City	McMinnville
State	OR
Zip	97128
Message	Please don't say yes to allowing the removal of the Oak Grove on the Meyer family proposed subdivision. Those oaks are irreplaceable in our children/grandchildrens' lifetime.

This email was generated by the dynamic web forms contact us form on 9/30/2021.

Aaron Panko

From: Kate Fuller <kl.fuller@gmail.com>
Sent: Thursday, September 30, 2021 1:21 PM
To: Aaron Panko
Cc: geoffreyjames@comcast.net
Subject: Subdivision Case No. SUB21-09: The White Oaks at Meyer Farm, Morningside, Salem

Dear Mr. Panko:

This is to urge you to make sure and certain that the city takes extreme care in reviewing and approving plans to develop precious open space at the site of the old Meyer Farm in the Morningside neighborhood (Subdivision Case No. SUB21-09). **Of paramount concern from our personal point of view, which we know is shared by many in our neighborhood, is the fate of the many **White Oaks** that grow on that property.**

The proposed plan shows some 70% of those trees will be removed. This is unacceptable. It's that plain and simple: unacceptable.

First, these trees have many admirers and defenders in this city, and are trumpeted by promoters of the city as special attractions to visitors. Many of Salem's old, venerated White Oaks were damaged, some fatally, in the ice storm of last winter. White Oaks are rare enough in our region to deserve extremely careful consideration and every effort possible to preserve and protect them. Now, only 1 % of the original forest of Willamette Valley survive, owing to destructive human activities. It's a sad thing but true that to developers and to many in city government, any tree that's in the way of "progress" is just a junk tree. Not true of the White Oaks. They are iconic and have value far, far beyond the commercial. Please, read on.

First, consider **Salem's previous mistakes** regarding stands of White Oaks. For example, remember the recent debacle of the Costco oak removal: **Statesman Journal: Jul 7, 2021 — Despite the **developer's promise** to safely transplant the trees, advocates argue the move has likely **killed a grove of historic white oak ...****

The city has sacrificed **venerable oaks** to "development" before, and it's ALWAYS a blow to the beating heart of this metropolis and a blow to the civic pride and loyalty of the city's citizens. It is ALWAYS a mistake. This is why:

"Older [White Oak] trees are very sensitive to construction disturbances. The deep tap root can make transplanting difficult. ... Old oaks on upland sites can be troubled by sudden competition from and excessive irrigation of newly planted lawns. Their root zones must be respected for them to remain

healthy." [<https://www.arborday.org/trees/treeguide/TreeDetail.cfm?ItemID=883>]

You can't just say, We'll leave a few and build around them or We'll transplant them and all will be well. It won't.

We strongly urge you to find out more about oaks before you pass judgement on whether these ones live or die.

For the moment, please ask yourself: Why are these oaks of special value and concern? Here are some answers:

"While they aren't commonly found in nurseries due to their **slow rate of growth**, White Oaks are **prized landscaped specimens** for the shape of their wide-spreading branches. The **slow-growing** trees are also **long-lived, with specimens surviving for hundreds of years.**" [<https://sciencing.com/white-oak-trees-6521703.html>]

It's imperative that you take great care before you decide to demolish this kind of precious, august life.

Moreover, **evaluating these trees must go far beyond dollars and cents:**

"Trees promote health and social well-being by removing air pollution, reducing stress, encouraging physical activity, and promoting social ties and community. Children with views of trees are more likely to succeed in school. Trees promote a strong economy and can provide numerous resources to the people that need them. While cities are getting hotter, trees can reduce urban temperatures. They provide habitat and food for animals. Finally, trees are valuable green infrastructure to manage storm water. Money spent on urban forestry has a high return on investment."

[<https://nph.onlinelibrary.wiley.com/doi/full/10.1002/ppp3.39>, added emphasis] In addition, and critically important, trees are a crucial carbon sink during this era of climate change.

Can you justify killing these trees in terms of dollars? No. "An oak tree in a timber sale can be worth anywhere from **15 cents a board foot for pallet material quality up to \$1.20 per board foot for high quality logs.**" [<https://chilcoteforester.com/>] These trees can live to be 300 years old. Would you really want to see them destroyed for chickenfeed money?

The value to Salem of these living oaks in this open space cannot be exaggerated.

Recent research has broadened and intensified our understanding of the critical importance of oaks -- these White Oaks -- to the world around them, of which we are only a part. This article will elucidate the broader and deeper view, and we urge you to read it: <https://www.chicagotribune.com/lifestyles/home-and-garden/ct-life-1223-garden-morton-20181210-story.html>

In addition to their complex ecological roles, their astonishing beauty, and their amazingly long lives, White Oaks feed the creatures who live near them and strongly affect and nourish the very soil where they live: "A wide array of birds including turkeys, pheasants, grackles, woodpeckers, jays, thrushes and nuthatches depend on them in the fall for nutrition....Populations of some species fluctuate in proportion to the amount of white oak acorns available each year." [<https://sciencing.com/white-oak-trees-6521703.html>]

Other citizens will write asking you to consider the huge traffic problems and the wasteful ruination of precious open space that will result from this project if it proceeds, and we add our voices to theirs on those matters. This is a dastardly and ill-conceived plan that should be completely rescinded and reworked before the city takes action on it. Preserve as much open space as possible - it's at a premium. It only takes a drive around town to see what could have been beautiful lakes and ponds whose shores have been completely ruined by the city's poor planning and selling out to commercial interests. Those mistakes are irremediable and remain forever reprehensible.

We strongly urge you to pay attention to the neighborhood voices you will hear from about this proposed development. It's a bad idea as presently conceived. You are in a position to shape the future of this corner of the city, for the better or for a disgraceful worse. Please be careful, be informed, and be resistant to bad influences. We're all counting on you.

Kate and Harry Fuller
954 Ratcliff Drive SE
Salme OR 97302
541-816-8895

Aaron Panko

From: Christine Kidd <ckidd@outlook.com>
Sent: Thursday, September 30, 2021 1:31 PM
To: Aaron Panko
Subject: Subdivision Case No. SUB21-09

City of Salem
Planning Division
555 Liberty Street SE
Salem, OR 97301

Application for 2 Phase, 138-Lot Single Family Residential Subdivision at 4540 Pringle Rd SE
Subdivision Case No. SUB21-09

Attention: Aaron Panko, City of Salem Planning Division

Dear Mr. Panko,

This is the third time in the past decade that I've written to your office in an attempt to preserve trees, wildlife and habitat from destructive subdivision expansion projects in South Salem. Each time, your office approved the project with only minor amendments. Hundreds of white oaks and Douglas firs have been destroyed on your watch. It is clear that your department does not take environmental concerns seriously. You go where the money goes and that's why our planet is in the mess it's now in.

As the author Richard Powers states:

“What has to break down is our sense that we can deform and force the living world to confirm to our sense of maximum efficiency, maximum return on investment.”

Status quo thinking will ensure the continued destruction of species, habitat and ultimately humanity. We are living in a climate crisis. Each of us must bear witness to the life forms that we depend on for balanced weather cycles, clean air and clean water. Every tree matters. Every pollinator matters.

I urge you to deny this project approval. The developer can resubmit better plans that take into account traffic safety, land stewardship, and tree preservation. Until that time, this project should be put on hold. We only have one chance to get it right. Let's not rush into a short sighted, ill conceived, money grabbing plan. We can do better. We must do better.

Sincerely,
Christine Kidd
5940 Summerside St SE
Salem, OR 97306

Aaron Panko

From: Gayle Meaders <gayleameaders@gmail.com>
Sent: Thursday, September 30, 2021 1:42 PM
To: Aaron Panko
Subject: Meyer Farm proposal

I am a resident of the Morningside Neighborhood and frequently use this area to get away from the noise and congestion of Commercial Street, Battle Creek, and my own Ratcliff Drive. It's the most peaceful place in South Salem, and that's because of the open green space as well as the tree canopy that makes one feel like they are really in the forest, within walking distance of home. Please, please retain this pastoral place for the health of Salemites instead of letting a Portland developer with money on his mind cloud our cleaner air and take away valuable natural areas, as he has done in Portland. Let Salem be known for preserving the trees!

Thank you for accepting public comment.

Gayle Meaders
700 Ratcliff Dr.
Salem, OR 97302
gayleameaders@gmail.com

Aaron Panko

From: Heather Mabale <heather.mabale@gmail.com>
Sent: Thursday, September 30, 2021 1:51 PM
To: Aaron Panko
Subject: Subdivision Case No. SUB21-09

Dear Aaron Panko,

I am submitting my comment regarding case no. SUB21-09.

Key Points:
Mid-level housing
Open space
Traffic Safety

I am very concerned about the proposed use of the 4540 Pringle Road property. It is a waste of land to use this property for a subdivision, which will not house as many families as a multifamily property would. It is also a horrible lack of environmental stewardship to remove that many trees.

This property would be best used with a portion to open space enjoyed by the public, and a portion used for townhomes or apartments.

The city needs more mid-level housing for families that cannot afford single family units. The truth is that single family units do waste a lot of land.

This historic property would be the perfect opportunity for a community open space and eco friendly multi-family housing.

Traffic and safety are also a concern. That section along the Commercial Street corridor is very crowded. There are many accidents that occur at the Hilfiker/Commercial intersection. This needs to be factored into the plan for this property.

Based on these points, the proposal from Kehoe Northwest Properties does not meet Salem's stated quality of life goals for its residents.

Thank you for your time,

Heather Mabale
South Salem resident

Aaron Panko

From: Jeep Guy <oakman2624@gmail.com>
Sent: Thursday, September 30, 2021 2:40 PM
To: Aaron Panko
Subject: Meyers property on hillficker

Hello, my name is Eric Conzoner I live at 4548 anneka lp since 1986.

. hillficker commercial st intersection is way dangerous now..the intersection traffic from wall greens and trader Joe's is so heavy that you are likely going to sit thru two lights traveling east and west across commercial..

The new building proposal will make getting onto or across commercial even more dangerous and congested... there is no room to enlarge lanes on hillficker on commercial. A thru street to battle creek will invite even more traffic. I can't imagine having an extra two hundred cars in the neighborhood. It will shoot traffic thru other side roads that do not have sidewalks and poor viability. The added summer traffic from the Bethany Baptist church's is heavy...

The intersection will be ridiculously dangers and inconvenient.

At one time pushing a major rd from Bartle creek to hillficker/ commercial made sense. But the city has grown and today would make the blind corner on battlecreek a very dangerous intersection as well as hillficker and commercial..

A better solution would to have bigger lots and no thru street from hillficker to battlecreek...

Battle creek is getting congested at kuebler south, with cars backed up to Reed rd..

Traffic will get even worse with new neighborhoods going in on Reed rd as the additions to the apartments.. this is going to push more traffic thru the Battlecreek to hillficker/ commercial st..

As it is now the traffic is so heavy on Crowley we can not turn south so Hillficker is our only safe travel..

Also this will bring crime to the neighborhood. Cross streets from Battlecreek to commercial and commercial to Sunnyside are highly traveled grids and theft is rapid. Creating another connected grid.

I know house are better than Apts. But the thru traffic is not ok! The hillficker commercial intersection needs to widened...

I would also request that the new developments rd not connect with chaprel. Wildridge is not a thru way! Crowley is not suitable to handle traffic and will only have extra traffic racing around the loop looking for a thru way. Please keep hillficker a dead-end from twelfth east. 12th st is narrow and dangerous. 12th and hillficker is also spoty..

Bottom line the neighborhood needs massive traffic upgrades and was never set up to handle the traffic flow..

I saw the traffic counter on a very slow evening.. I hope there was more than one counting at different times to better represent traffic..

In addition the new housing development on Reed rd and new apartments on Reed rd that are going up this fall and next summer are going to add to hillficker traffic as well as Costco.. with trader joes at hillficker the traffic will be ridiculous and the hillficker commercial intersection will be very dangerous and congested in all direction.

I purpose and exit on 12th to b the north and one on hillrose to discourage thru traffic.

Your options would be four lane roads on Reed/ battle creek/ twelfth street and improve liberty

When you stack cars on main arterial roads. Neighborhoods become un expecting thruways...

Jabbing lived here since 71 I know all the back roads but so does everyone else..

Please be mindful of growing traffic. The Myers development of every home has just two cars will add another 300 cars using our main entrance and exit. You punch hillficker to battlecreek your going to double The numbers.. the intersection can't handle the volume.. it will back up commercial/ make travel from Sunnyside/ hillficker to the intersection impossible and there is bit enough property to expand hillficker in the west side of commercial. Even if you could make a three lane at east side of hillficker commercial the traffic light would have to alternate from Sunnyside traffic entering the intersection and then the hillficker from the Myers side of the intersection and then commercial st which is bumper to bumper..

Costco and the building sites I listed will make battlecreek bumper to bumper as well you kuebler and surrounding neighborhoods making them unsafe and changing their landscape..

It's my strong belief that hillficker as a thru street is an outdated idea from two decades ago. We talky need to think about exsisting arterial roads and enhancing them first.

You jabs a very full plate in regards to traffic in south Salem and it's rapid growth. Again be mindful of neighborhood and dangerous traffic.. I believe a hillficker thru street is dangerous and won't produce the desired affect. And let's not forget foot traffic at the intersection of commercial and hillficker its a major confluence of neighborhoods and has a large number of pedestrians. And if the homeless get pushed out of downtown and come back out South that was a major congregating area as they moved thru south salem.

Thank you for your time.

Eric

Aaron Panko

From: becky ray <becky1217@centurylink.net>
Sent: Thursday, September 30, 2021 2:51 PM
To: Aaron Panko
Subject: Meyer Family Farm Property Development

Hello,

I would like to voice my support of the Morningside Neighborhood Association and their concerns regarding the Meyer Family Farm property.

The road system around that area has to be improved before increasing traffic. The traffic light at Hilfinker and Commercial should be changed to a 4 way traffic signal which would help with traffic backup as well as lessen traffic accidents. Parts of 12th Street, especially the section intersecting Hilfinker are very narrow and more of a country road where vehicles need to pull over to let the other vehicle pass.

Given the grove of old White Oak trees and the history of the property, why not create a park similar to Minto or Marion with walking and bike trails and a dog park. With the amount of houses and apartments in South Salem, a park would be a great addition.

Lastly, I read the trust is in court and family members are divided on the selling of the property. I would think Salem would want to stay neutral until the court case is settled. While my family didn't go to court over our family property, my cousins tried over 5 years to have a majority of the family willing to sell.

Please consider the concerns of South Salem residents.

Thank you,

Nancy Ray
6371 Fairway Ave SE
Salem

Sent from my Verizon ASUS tablet

Aaron Panko

From: Dave McKenna <davemckenna4@gmail.com>
Sent: Thursday, September 30, 2021 3:53 PM
To: Aaron Panko
Subject: Comments on Proposed Development of Meyers Farm
Attachments: Meyers Farm Letter.pdf

Aaron -

I would prefer to see this land remain as open space. I hope that can continue to be the case, i.e. that The Meyer Farm remains as dedicated open space, and possibly with public access bicycle or walking paths through the delightful property as an extension of existing and adjacent Hilfiker Park.

See attached comments.

September 30, 2021

City of Salem
Planning Division
555 Liberty Street SE
Salem, OR 97301

Application for 2 Phase, 138-Lot Single Family Residential Subdivision at 4540 Pringle Rd SE
Subdivision Case No. SUB21-09

Attention: Aaron Panko, City of Salem Planning Division

Land Use

This is a special 30-acre property that has been a working farm in the Morningside Neighborhood and is known as The Meyer Farm which operated under a farm trust. A majority of the Meyer Family apparently wants the farm to remain as dedicated open space, but currently the matter is in the hands of the court appointed trustee. I would prefer to see this land remain as open space. I hope that can continue to be the case, i.e. that The Meyer Farm remain as dedicated open space, and possibly with public access bicycle or walking paths through the delightful property as an extension of existing and adjacent Hilfiker Park.

A better and more responsible approach to any development there would be to: 1. Map the trees (accurately) and then 2. Locate any future dwellings (footprints) and roads and utility lines and easements, so as to miss major and significant large trees.

Traffic

Traffic Impact Study Concerns

My primary traffic concerns are the safety of the Hillrose St SE (Hillrose) & Battle Creek Rd SE (Battle Creek) intersection and the congestion at the Hilfiker Ln SE (Hilfiker) & Commercial St SE (Commercial) intersection; and the Hilfiker and Sunnyside intersection. As the new Hilfiker/Hillrose section will be the only direct east/west connection between the Kuebler Blvd connection to the south and the Madrona Ave SE connection to the north, it won't only handle traffic from the new housing development, but also existing traffic that finds this to be a more convenient east/west route. The Traffic Impact Study doesn't appear to take this into account. It also doesn't appear to factor in any traffic from other planned developments in the area. There are hundreds of new residential units in the surrounding area already approved and the relocated Costco will increase Battle Creek traffic when it opens.

Hillrose & Battle Creek Intersection Concerns

The limited visibility at the Hillrose & Battle Creek intersection is already an issue, especially if turning left onto Battle Creek from Hillrose. The hill and curve on Battle Creek just south of Hillrose limit visibility and makes a left turn from Hillrose onto Battle Creek risky for both the turning car and the approaching car. As this section of Battle Creek is two lanes only, without a center turn lane, cars must turn directly into the path of oncoming traffic and the speed limit here is 40 mph. Also, cars turning left onto Hillrose from Battle Creek are at risk of being hit from the rear by northbound traffic. I strongly recommend that the improvement of this intersection be required as part of the road project. At a minimum, Battle Creek should be widened to include a center turn lane and to improve visibility around the curve.

Hilfiker & Commercial Intersection Concerns

The intersection of Hilfiker & Commercial is already congested and the congestion will increase considerably when the new section of Hilfiker/Hillrose connects Commercial with Battle Creek. There is neither a left turn or right turn lane on either side of Commercial at this intersection and traffic already backs up on the east side of Commercial past the entrance to Walgreen's and Trader Joes. Traffic also already backs up on Sunnyside Rd SE while trying to get onto the short section of Hilfiker west of Commercial. Cars often have to sit through two light changes to get through this intersection in either direction. I strongly recommend that widening Hilfiker and improving the intersection at Commercial both be required as part of this project's approval.

Hilfiker & Sunnyside Intersection Concerns

The intersection of Hilfiker & Sunnyside is already congested and the congestion will increase considerably when the new section of Hilfiker/Hillrose connects with Battle Creek. Traffic already backs up on Sunnyside Rd SE while trying to get onto the short section of Hilfiker west of Commercial. Cars often have to sit through light changes to get through this intersection in either direction. I strongly recommend that widening Hilfiker; and, improving the intersection at Commercial and Sunnyside be required as part of this project's approval.

Tree Preservation

There is a large diameter Oregon White Oak (tree #3194), a protected tree under the code, that is in the pathway of the proposed collector and proposed to be removed. The curve radius of the collector near 12th St should begin earlier so as to avoid removal of this protected Significant Tree. This would be consistent with code when a reasonable design-alternative exists. The collector should be shifted enough so that the required silt fencing which marks the protective zone around the Significant Tree is maintained throughout duration of construction of the collector, include grading, excavation, and installation for the adjacent sidewalk and entire right of way. The smallness of most of the proposed lots will prevent growth and longevity of residential trees that would otherwise add to future tree canopy and reduce energy needs for summer cooling.

After studying the plan and the report, I think the best way to protect the "Significant" trees in the grove and farmstead area is to delay construction on the nine lots containing the trees to be left until such time the subject trees become hazardous, are severely damaged (ice, wind) or die. All lots referred to are bordering the 3.64 acre "Area to Remain." If the trees are accurately mapped, the affected lots are numbers 40, 41, 56, 57, 61, 62, 63, 64 and 65. These could be used for neighborhood access to the Farmstead if it used as an outdoor education center and open space.

Another "Significant" Oak tree, (tree #4156) located in the Open Space next to 12th Street should be protected by a retaining wall which would allow more fill in the current grade dip at the Lansford Dr. intersection, and other measures to reduce the steepness of the road grade and improve sight distance on the to-be-widened street. It may also be a good idea to delay construction on the lots fronting on 12th Street, and consider re-design lots 65, 66 and 67 so they have a shared driveway.

In addition to the traffic and tree concerns, its great density is inconsistent with this part of the neighborhood. With such small lots, all the homes will need to be two story, there will be too many driveways and too little home frontage. The great views north from the farm will be obliterated. The "snake" design of a new Hilfiker invites faster speeds through the dense residential areas: more of a grid layout of the streets with Stops at every intersection would discourage motorists using the neighborhood as a short-cut between Pringle/Battle Creek and

Commercial.

In addition to the minimal size of the lots, the miniscule size of Phase 1 makes one believe they will not carry thru on the time schedule with the rest of the development, and even more traffic will be added to the currently overused routes to Commercial and to Pringle (Suntree, Mandy, Albert, 12th, Lansford, Kampstra and Hilfiker) before any improvements are made to handle the additional traffic.

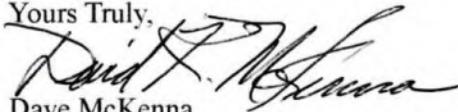
Tree Removal

The Proposal is for removal (felling) of up to 70% of the existing trees. The Tree Plan is dated 2021 but it seems as if it is an outdated one. The ordinance requires a new Tree Survey conducted in the last 6 months. However, the Arborist report (see the next row of sizes) says that the trees are actually a much larger diameter, and up to twice the claimed size. This is a very serious error.

A better, and more responsible approach, especially for a pristine property, would be to honor what the City is trying to achieve, i.e. preservation of significant trees. The Planning Commission has been discussing a figure of (1) 40% to 50% tree preservation, (2) preservation of large trees of other species and including them as "significant" plus (3) requiring the tree cover and root lines to be protected (by fencing) during construction, from damage and compaction by heavy equipment.

It should be the responsibility of the applicant to respect these 2021 City goals and standards even while the ordinance is still being finalized. Of course, the applicant could maintain that they will use the previous standards until new ones are final, but they have a moral responsibility to respect the City tree preservation goals and policies and go the extra mile to do a good job in designing a responsible layout that saves the trees.

Yours Truly,



Dave McKenna

Aaron Panko

From: Ralph Rodia <RRodia@msn.com>
Sent: Thursday, September 30, 2021 4:05 PM
To: Aaron Panko
Cc: geoffreyjames@comcast.net
Subject: RE: Subdivion Case No. SUB 21-09 Address-4540 Pringle Road SE, Salem, OR 97302

I am a concerned resident who lives in the Duffield Heights neighborhood adjacent to the Meyer Farm. I would like to express the following concerns about the proposed residential development.

1. Allowing access from Commercial Street SE at Hilfiker would create a total traffic and safety nightmare unless there are extensive alterations of that intersection. As an alternative the developers might consider a separate main entrance off Battlecreek.
2. Proposed plans show residential lots along the east side of 12th street. Current city code would allow houses on 40-foot frontage lots and within 10 feet of sidewalks. It is likely that 2 story homes will be built on these lots. The long-time neighbors to the west will be facing a wall across the street from them. All of this will detract from the rural beauty of this area.
3. Allowing 138 new homes would likely create an additional 256 vehicles not including those of visitors . With the lots so small it is likely that boats, campers etc. would have to be parked on the streets. That would create safety issues. Since it is proposed to remove trees and much of the open area and hardly any yard area, where are the children going to play?

I, and many of my neighbors do not support this development as proposed. We would love to see it developed into a park for all to enjoy.

Sincerely, Fran Schiedler
1012 Dianne Drive SE
Salem OR 97302

Phone 503 508 0164
E Mail sandyfran47@gmail.com

Aaron Panko

From: Kassi Roosth <kassiroosth@gmail.com>
Sent: Thursday, September 30, 2021 4:57 PM
To: Aaron Panko
Subject: Case No. SUB21-09

Hello Aaron Panko,

My name is Kassi Roosth and I would like to express my concerns in writing for Subdivision Case No. SUB21-09: Transforming Meyer Farm into a housing development complex.

I feel that there has to be another solution instead of this proposed location. Oak Savannah habitat is now a rarity in the Willamette Valley and it needs to be protected. The Oregon White Oak is one of the most fire resistant trees native to the valley and a keystone species that supports over three hundred native species. An example of species that depends on the oaks for habitat is the slender-billed white breasted nuthatch. Beyond its ecological role the White Oak is culturally significant to the Kalapuya people and is a source of pride for the people of Salem. Currently the Oregon White Oak population is on a rising decline with less than 5% of the native ecosystem remaining. 150 years ago, the Willamette Valley was almost completely covered with Oregon White Oak trees. The valley was a mix of grasslands and oak trees, otherwise known as an Oak Savannah. Oregon White Oak trees and savanna habitat deserves to be protected. Please consider another location for this housing development project.

Sincerely,
Kassi Roosth

Aaron Panko

From: Kristin Santose <lailoc@yahoo.com>
Sent: Thursday, September 30, 2021 7:03 PM
To: Aaron Panko
Subject: Meyer farm

This area has been a rustic agricultural place since its creation. The developer is just in its development for the money as the development planned would be a tremendous financial boon. I am sure the city is also eyeing the property taxes it would bring in. The trees should be preserved and the area should remain pastoral as a park. I have viewed this property since the 1970's and have always been awestruck that an area like this exists so close to such a developed area of the city. I enjoyed watching several horses graze in the field. It is a gem that shouldn't be destroyed. Thank you for considering my viewpoint.

Kristin Santose
476 Oregon Avenue NE
Salem
Sent from my iPhone

Aaron Panko

From: swynne <swynne0@gmail.com>
Sent: Thursday, September 30, 2021 7:42 PM
To: Aaron Panko
Subject: subdivision case sub21-19 Meyer Farm

Please do not destroy such a beautiful and historic place, a place I call a little bit of country in the city.

I take the back roads sometimes just so that I can look at it and enjoy it.

I only read about this proposal today.

Thank you.

Wynne Reams

Salem Oregon

Aaron Panko

From: patricia weeks <weeksp56@yahoo.com>
Sent: Thursday, September 30, 2021 8:50 PM
To: Aaron Panko
Subject: Subdivision Case No.SUB21- Meyer property development

I am a resident of SE Salem residing at 4540 Sunland Street SE, for over 25 years, and I have concerns about the proposed development of the Meyer property, for a number of reasons.

The Meyer's property has historical significance having been settled by the Meyer family in 1947 and preserved until present day.

The plans call for the removal of a large number of trees including the a number of great oaks, which support habitat for a number of valuable species. This is at odds for the City of Salem's plans to counter climate change. Preserving trees and planting more of them should be the goal, not sacrificing them to profit land developers.

Another concern is the real risk of flooding of homes in the area in the future due to land erosion.

I also have concerns about increased traffic and congestion in the area.

I strongly oppose this development going forward, and if it does I recommend that as many trees by preserved as possible especially the white oaks.

Sincerely Dr Patricia Weeks

Aaron Panko

From: Jayson Stibbe <jaysonstibbe3@gmail.com>
Sent: Thursday, September 30, 2021 8:59 PM
To: Aaron Panko
Subject: Support for Meyer Farm Subdivision

Hello,

I wanted to email broadly supporting the Meyer Farm subdivision. In general, I believe that landowners (particularly those so close to a major arterial) should be incentivized to develop their land to be as productive as possible. To that end, I think the developer should be encouraged to build denser housing, or at a minimum not restricted from doing so if they were so inclined. With such high housing demand, this is clearly a desirable spot to add housing and it will enable more people to live in Salem and contribute to the community.

I saw the preliminary layout and it seems like the plan is to keep many of the existing oaks. To better serve the community where this subdivision develops, I would encourage the City to invest more money (maybe using the impact fees for the new development) into the adjacent Hilfiker park.

Thank you,

Jayson Stibbe

Aaron Panko

From: ELISABETH UNDERWOOD <uboringwood@aol.com>
Sent: Friday, October 1, 2021 6:46 AM
To: Aaron Panko
Subject: Meyer Family Farm

Please save the Meyer Family Farm as a sanctuary for the residents of southeast Salem. Dividing up open green spaces to create an overly expensive housing development that Salem's houseless population cannot afford profits the developers only. It does not create permanent jobs, affordable housing or the green spaces that Salem needs to remain a livable city.

Thank you for considering this request. Please forward to appropriate parties.
Elisabeth Underwood
4377 Barrett St S.
Salem, OR 97302

Sent from my iPad

Aaron Panko

From: Chris Clarke <cclarke777@gmail.com>
Sent: Friday, October 1, 2021 8:02 AM
To: Aaron Panko
Subject: Meyer Farm Subdivision Proposal SUB21-09

Dear Mr. Panko:

Please do not allow this project as proposed. As you know, Salem's plan for the future growth of our city calls for multi family dwellings—not urban sprawl. At the very least this project could comprise of townhomes built in a manor which would save more trees.

We need more housing NOT more sprawl

Respectfully submitted,

Charles Chris Clarke
736 Rural Ave S, Salem, OR 97302

Aaron Panko

From: Liz Backer <lizmail217@gmail.com>
Sent: Thursday, September 30, 2021 11:34 AM
To: Aaron Panko
Cc: geoffreyjames@comcast.net
Subject: [SUSPECTED SPAM] Proposed Subdivision Case No. SUB21-09 (Meyer Farm Subdivision)

Hello Mr. Panko,

I am writing in response to the Notice of Filing for **Subdivision Case No. SUB21-09**. This was an interesting issue for me to consider, as I have mixed thoughts about this proposal.

I appreciate and acknowledge our city's need for housing, and improvements to our current transportation system are always welcome. The development of land within the Urban Growth Boundary is to be expected, and I am aware of the goals the strategic planning committee has set for street and traffic flow improvements in the Morningside neighborhood. This proposal appears to offer solutions for a few of those issues, however I do have concerns that all relevant information to this specific proposal have not been considered, or worse - disregarded.

This proposal suggests creating a new roadway, linking Hilfiker to Hillrose, with connection at the corner of Hillrose and Pringle/Battlecreek, and Hilfiker and Commercial. The proposal claims this is to be considered a "B Side Collector Street".

Traffic at the intersection of Hilfiker and Commercial is already bad, especially at peak times. The Traffic Impact Analysis conducted by Kittleson & Associates states that traffic at this intersection is currently operating "acceptably within city standards". While that may be true, this proposal appears to indicate that it expects traffic to only treat this new roadway as a collector street – meaning traffic would mainly use the new roads to travel to and from the neighborhood, not THROUGH the neighborhood. In my opinion, that is an inaccurate assumption as traffic will absolutely use this new roadway as an arterial street from Commercial to Pringle/Battlecreek.

While that may be an acceptable change to some, the proposed changes to the intersection of Hillrose and Pringle/Battlecreek may not be sufficient. One left-hand turn lane on Battlecreek is offered as mitigation for an estimated traffic increase of 1.5 by the year 2023. I am concerned that the TIA conducted in May 2021 by Kittleson & Associates only uses current traffic flow and traffic count data from 2018-2021, as its source. This means traffic moving straight through Pringle/Battlecreek, not added flow from Commercial.

In addition, and of a larger concern, it does not take any future increase in traffic on these affected streets from the upcoming opening of the new Costco location on Kuebler. I realize that the future traffic count information as the result of the new Costco could be difficult to predict at this time, however to omit the inevitability that traffic will increase much more than an increase of 1.5 on Pringle/Battlecreek once Costco is open is, in my opinion, a major oversight.

The intersection of Hillrose and Pringle/Battlecreek is a difficult corner to address. It is a blind corner with the added hitch of a steep hill with limited sight distance directly to the South. I worry that encouraging the flow of not just new neighborhood traffic - but the guaranteed additional Costco traffic and through traffic from Commercial - will potentially create significant safety issues that are not addressed in Kittleson's TIA if this new roadway is created as proposed.

The other major topic that I have been thinking about is the potential loss of open green space and protected trees that this unique property currently provides. While the proposed subject property is within the Urban Growth Boundary, and while I agree that a property owner should have the right to do with their property what

they want, there is so much more potential for this property that will be impossible to put back once lost if this proposal is approved as-is. I believe that there are additional options for this land: incorporating all or part in with the adjacent Hilfiker Park, designating it as Open Green Space with community entertainment in mind, or even a combination of a smaller number of the proposed single-family homes and a larger percentage of the proposal set aside for park/open green space. A connection to The Woods designated space across the Pringle/Battlecreek intersection could even create an in-city urban park space similar to that of Forest Park in Portland. Destroying over 70% of the existing tree canopy, including at least six protected White Oak trees does not feel like it keeps in line with Salem's identity as a "Tree City". I and many other neighbors question the accuracy of the submitted tree preservation plans as the number of protected trees keeps changing, and the listed diameters of many trees appear to have been reduced to avoid including them in the total tree count. Also appearing to have been removed or not included in the tree preservation plans are the number of trees that have already been cut down this year.

My point is, just because we can do something, doesn't always mean that we should. This property is the last remaining parcel of land from Joseph Waldo's 304-acre donation land claim of 1852, and I believe it is important to protect and preserve Salem's significant historical properties.

We do not have to develop every square inch of land within the Urban Growth Boundary, even with a need for more housing. The neighboring 275-acre Fairview Mixed-Use land has the approved designated space for 2000+ residential units, as well as businesses, offices, schools, and a multitude of other public facilities, some of which have already been built or are currently under construction. The loss of that land to development will greatly help with the city's need for more housing, but also means the loss of homes for wildlife. This is a loss that cannot be replaced once gone. Adding these 30 acres to that loss will be detrimental to the deer, birds, and other local wildlife currently residing within that also deserve to keep their homes, and will destroy a last-remaining piece of our area's history. Salem has the potential to create a variety of unique spaces within its Urban Boundaries that can benefit people AND wildlife, but that potential is gone if this proposal is accepted as-is.

We need to not be so quick to act. I very much appreciate the city taking the public's thoughts into consideration, and genuinely hope that concerns about the continued enjoyment and livability of our neighborhoods are heard and considered through this process. I see this as a very complex issue that likely does not have a black-and-white answer. While I may not know what that correct answer is now, I do not believe this proposal being accepted as-is would be the right one.

I thank you very much for your time.

Sincerely,

Elizabeth Backer

4527 Sunland St SE

Cc: Geoffrey James, Land Use Chair, Morningside Neighborhood Association

Aaron Panko

From: Paula Clarke <pclarke.lcsw@gmail.com>
Sent: Friday, October 1, 2021 8:11 AM
To: Aaron Panko
Subject: Subdivision Historic 30 Acre Meyer Farm. Case No SUB 21-09

Dear Mr Panko,

I am submitting my comments regarding the proposed development of the Meyer Farm. The current plan calls for a 138 lot of SFR.

This is far too dense considering the proximity of a major commercial street which will increase traffic in an already busy thoroughfare. Additionally, the removal of hundreds of oak trees goes against Salem's plan for environmental sustainability.

I believe either an extension of Hilfiker Park or, at the very least, building townhomes which could save more trees would be a better solution.

Sincerely,
Paula Clsrke
736 Rural Av S
Salem, OR 97302
661-877-8113

Sent from my iPhone

Aaron Panko

From: Cindy Hogan <cindyhogan@hotmail.com>
Sent: Friday, October 1, 2021 11:47 AM
To: Aaron Panko
Subject: Subdivision case number SUB21-09 Comment on proposed development of Meyer Farm in South Salem: need a park like Bush Park instead.

Dear Mr. Panko,

Thank you for the opportunity to comment on the Meyer Farm, Subdivision case number SUB21-09. I am deeply opposed to more development in the area. The streets in the area are already congested (especially Hilfiker). This would add to that. Given the area, some of the proposed street alterations would likely present safety issues. The development would diminish the area's livability for existing homeowners.

Instead, we need another park like Bush Park that could serve the South Salem area. There are no existing parks large enough – Battlecreek and Woodmansee are overcrowded due to their small size.

Turning the Meyer Farm into the Meyer park would preserve the pastoral scene, provide quiet areas for walking that Woodmansee does not, and preserve the native wildlife. It would also preserve the historical buildings on the farm that are part of Salem's heritage.

I am also deeply concerned that the city is not doing enough to preserve the Oregon oaks. The Costco development was – as predicted – a disaster for the oaks. We need to protect what Oregon oaks we have left – they are important to our local environment, especially the native birds.

Finally, the 1.4 million dollar value of 30 acres in the city is remarkably low. (I am relying on the Statesman Journal for this figure) I am concerned that the City could be getting itself into a legal entanglement with the trust beneficiaries. If the cost is really that low, the city would benefit greatly from buying it for a park.

Sincerely,

Cynthia M. Hogan
1103 Pawnee Circle SE
Salem OR 97306
503-559-6930

REQUEST FOR COMMENTS

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

REGARDING: Subdivision Case No. SUB21-09
PROJECT ADDRESS: 4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.: 21-113071-LD
COMMENT PERIOD ENDS: October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

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

Comments received by 5:00 p.m. Friday, October 1, 2021, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: APanko@cityofsalem.net.

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

PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.
2. I have reviewed the proposal and have the following comments: No additional traffic on Sylvan Ave or out spaced homes. No apartments or rentals. No camping while being constructed.

Name/Agency: John / Carol Dillingham
Address: 1444 Sylvan Ave SE
Phone: 503 871-13475
Email: _____
Date: 9-29-21

RECEIVED

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

OCT - 1 2021

Aaron Panko

From: Susan Watkins <susanwat@peak.org>
Sent: Friday, October 1, 2021 2:12 PM
To: Aaron Panko
Subject: Meyer Farm subdivision

I have some concerns regarding the housing development proposed on the Meyer Farm land.

1. South Salem and areas to the north of Salem are currently undergoing massive housing developments. All of this building will have a significant effect on the climate of the city. The more building that occurs in and around the city the more it will directly cause higher temperatures in the coming years. Large building projects are a primary cause of global warming. The buildings along with the asphalt streets and cement sidewalks contribute to higher temperatures. The maintenance of streets, night lighting, police and fire protection all put a greater burden on the city budget even if the housing brings in more tax dollars thus syphoning off monies that should be used to help older communities. The removal of "hundreds of trees" as described in the Statesman Journal will have a significant impact on rising temperatures.

2. The builder, Kehoe Northwesst Properties, is a Portland real estate developer. I find it frustrating that Portland developers grab land in and around Salem for development. This means that the money gained from this development doesn't stay in Salem, but rather leaves Salem and supports the city of Portland instead. I would appreciate it if Salem builders would be the ones who develop land in our community. At least the money gained from the development would stay in the Salem area and help our economy.

3. The Meyer Farm land has historic significance. According to the Statesman-Journal newspaper, the Meyer Farm dates back to 1854. The farm buildings should be preserved and incorporated into a major multiuse park.

4. The growth of Salem in recent years has spurred the need for more neighborhood parks of substantial size. The Minto Brown Island park is very popular among Salemites for walking and bicycling, but it is very crowded at peak use times. The Meyer Farm land would be a good place to create an additional large park big enough to accommodate hiking, jogging, and bicycling.

Thank you for your consideration of these concerns.

Susan Watkins
2025 18th St NE
Salem 97301
503 378 1440
susanwat@peak.org

Sept. 30, 2021

Aaron Planko
City of Salem
Planning Division
Case # SUB21-09

Dear Sir,

I'm writing this letter in opposition to a proposed subdivision on the property at 4540 Pringle Rd. SE. Known as the Meyer Farm. There are several reasons why I'm against this development. I'm not an environmentalist but I don't like the idea of several hundred trees being cut down to make room for 138 houses. That is way too many houses for this 30 acre property. If any more houses are allowed to be built on this property there should be a limit of 4 houses. This property probably is the home for wild life such as deer which will become displaced. There will also be a big increase in traffic on Pringle Road & the other roads in the area. Roads in the area are not able to handle that much extra traffic. When Costco south of this property opens there will be worse traffic backups on Kubler Blvd than there are now and this subdivision traffic will only make it worse. Kubler Blvd isn't able to handle that much extra traffic. This subdivision will also require water, sewer, & electric hookups & the other utilities that developments require. Another subdivision project just got underway on Battle Creek Rd. where 60 houses are going to be built on 11 acres. This is also going to add lots of extra traffic in the area.

I think that the best use for this property is to keep it as farm property or for it to be made into a park with sensible tree thinning done as needed to maintain a healthy stand of timber. This property is the last remaining parcel of the Joseph Waldo Donation Land Claim of 1852 and should be preserved. I'm tired of these property developers getting good land, much of it farm land and

putting as many houses or apartments on it that will fit on it. They don't care about how this will impact the neighborhoods. All they care about is how much money they can put in their pockets!

I would urge you to honor the wishes of the Morningside Neighborhood Association & all of the people like myself who are against this subdivision and turn down the request of Kehoe Northwest Properties.

Sincerely,

Laura M. [Signature]

6381 Coates Dr. SE

Salem, Ore. 97317

Aaron Panko

From: JN M <alpinenick@gmail.com>
Sent: Friday, October 1, 2021 3:36 PM
To: Aaron Panko
Subject: Meyer Farm, Subdivision Case No. SUB21-09

Dear Salem Planning Division,

We represent twenty-three (23) third, fourth, and fifth generation descendants of Henry and Marian Meyer. We have spent our lives connected to them and to the Farm. The Meyer Family Farm is not only an extremely special place for our family, it is ecologically and historically significant for the larger Salem community as well. We support the preservation of Meyer Family Farm and the conservation of its trees and open space. We urge the City of Salem to protect this important urban jewel.

Sincerely,

3G /s/ John Nicholas "Nick" Meyer + (1) 4G
3G /s/ John Santana + (2) 4G + (2) 5G
3G /s/ Kielely Santana Malueg + (2) 4G
3G /s/ Joseph "Joey" Santana + (1) 4G
3G /s/ Molly Meg Santana
3G /s/ James Santana + (2) 4G
3G /s/ Natasha Meyer Eichaker + (3) 4G
3G /s/ Annalise Meyer Briggs + (1) 4G
3G /s/ Dylan Meyer

Aaron Panko

From: Lisa Cassidy <cassidymediation@gmail.com>
Sent: Friday, October 1, 2021 4:11 PM
To: Aaron Panko
Subject: Proposed Subdivision of Meyer Property

Greetings.

My name is Lisa Cassidy. I raised my kids at 1190 Hilfiker Lane SE, overlooking the Meyer property. I no longer live there, and this is not a NIMBY response to the proposal, but a perspective that comes from personal knowledge of the affected neighborhood. The development proposed is not aligned with the City's purported priorities, and does a disservice to the city at large.

The City has spent three years developing the "Our Salem" plan, prioritizing affordable housing, reducing greenhouse emissions, advancing equity, increasing community spaces, and the like. This proposal undermines any efforts to advance these goals. A housing development of this type will not be affordable to the Amazon, Costco and hospital employees the City seems to be encouraging. The Grove, the new apartment complex in the neighborhood, rents for \$1295 for a one-bedroom. Pringle Creek and Fairview Addition cater to high-end homebuyers. The only residents who will benefit from the proposed development--and all the other new construction in the neighborhood--are the wealthiest ones, and those who move in from higher-priced markets.

Destroying the protected trees, paving the open space, and increasing traffic are contrary to the City's environmental goals. Nor is there any equity goal served here.

The infrastructure of the area, even with significant changes, is insufficient to support this type of development. It is premature to even claim to know what the impacts of Costco, Pringle Creek Community, Fairview Addition and The Grove apartments will be on the infrastructure of the area once completed and filled. Any projections of traffic volume and other impacts are hypothetical. The local schools (Morningside, Leslie, South) are at capacity and beyond. Given the size of the 2018 school improvement bond, there will be no bond money for school expansion for many years. Addition of this many units to the neighborhood will exacerbate these issues and shortchange our families.

The property is needed as community space. The location is perfect to use as a resource for the entire city -- centrally located and accessible by public transportation. How about a nature center? Or an accessible community center? Or an aquatic center, as the pools around the city have been eliminated? It is time we prioritize the health and well-being of residents of all ages rather than the development of all available space, with which the damage to the environment and quality of life will far outweigh a little tax revenue. The only party to benefit here will be the developer. It's time to think about the long-term health, education, and safety of the community in land use decisions rather than short-term gains for the few. There are many possible uses for this space that would benefit the city and its residents. This simply is not one of them.

Sincerely,
Lisa Cassidy
3955 Kendell Ave. SE

Aaron Panko

From: Victor Dodier <vjdodier@teleport.com>
Sent: Friday, October 1, 2021 4:12 PM
To: Aaron Panko
Cc: Geoffrey James; Scan Board
Subject: RE: Subdivision Case No. SUB21-09

Aaron Panko

I have a few comments concerning the subdivision proposal for the Meyer Farm.

1. It is unfortunate that the City of Salem did not take the opportunity some years ago to incorporate this parcel as open space into the Salem Parks System. The subdivision proposal likely removes that option and increases the pressure for urban park space in SE Salem. Remaining large parcels are scarce and will be much more expensive in the future.
2. The proposed subdivision plan demonstrates better street connectivity than some South Salem subdivisions. It shows connection to at least one street in an existing subdivision. That said, there is not much connectivity. Better connectivity is another lost opportunity in this portion of South Salem.
3. The City should consider relieving the developer of responsibility for the 3/4 street improvement to 12th Street SE. This approximately 6 block portion of 12th Street SE is an isolated residential street. Connection to the south beyond Hilfiker Ln SE is blocked by development as is connection to the north. Leaving all or a portion of 12th Street SE as it is now will preserve several large white oaks that are located within the right-of-way for 12th Street SE.
4. The subdivision plan envisions build out of the development as single family residences. The new single family residences may not generate as much new traffic in the area as some fear. It may nevertheless affect traffic on Battle Creek Rd and Pringle Rd. Battle Creek Rd and Pringle Rd are both listed as minor arterials. Both are slated for improvements when development occurs, per the Salem Transportation System Plan. This subdivision alone is likely insufficient to trigger moving those street improvement projects forward in time. However, the City should take steps to improve Battle Creek Rd and Pringle Rd now, before they are overwhelmed with the traffic.

Thank you for the opportunity to comment.

Victor Dodier
396 Washington Street S
Salem, OR 97302

Aaron Panko

From: NoReply on behalf of Parkview@daltonmngt.com
Sent: Friday, October 1, 2021 9:09 AM
To: CityRecorder
Subject: City meeting public comment
Attachments: ATT00001.bin

Your Name	Jamie Macnamara Loflin
Your Email	Parkview@daltonmngt.com
Your Phone	5035815386
Street	1322 Wallace RD NW APT 37
City	Salem
State	OR
Zip	97304
Message	<p>I am so disgusted that Salem would allow for 30 acres of historic land and trees to be turned into ANOTHER subdivision. We do not have a housing problem. We have a affordable housing problem. There are plenty of homes available but adding more overpriced homes to the market will not help anyone.</p> <p>https://douglasnewby.com/2014/07/adding-density-destroys-neighborhoods-one-house-at-a-time/ https://www.theguardian.com/cities/2014/sep/17/truth-property-developers-builders-exploit-planning-cities https://seekingalpha.com/article/4384367-3-reasons-why-really-is-no-housing-shortage</p>

This email was generated by the dynamic web forms contact us form on 10/1/2021.

REQUEST FOR COMMENTS

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

REGARDING: Subdivision Case No. SUB21-09
PROJECT ADDRESS: 4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.: 21-113071-LD
COMMENT PERIOD ENDS: October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

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

Comments received by 5:00 p.m. Friday, October 1, 2021, will be considered in the decision process. Comments received after this date will be not considered. Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.

CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: APanko@cityofsalem.net.

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

PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.

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

Its already - 12th should be a dead end again some and 300 yr old street or a neighborhood traffic circle and fix our flooding at street lowest part of street

Dangerous rd. for rescue vehicles to use. needs to go back to dead end

Its a terrible idea all the way around - We have a dangerous street

Fix the flooding of our street. we are in the lowest plateau of 12th and floods in front of 4373 + 4383 - we will get more run off of heavy rains

Name/Agency: Deanna Savoy
Address: 4373 12th St SE
Phone: 978-549-4565
Email: deanna.savoy@icloud.com
Date: 9/30/2021

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

Aaron Panko

From: Kimberly Nixon <kimberlynixon@gmail.com>
Sent: Saturday, September 18, 2021 2:49 PM
To: Aaron Panko
Subject: Subdivision case No. SUB21-09 Pirngle/Morningside

I am submitting a comment in regards to the proposed 138 single family Subdivision on 4540 Pringle Road SE Salem Or 97302

My concern is related to traffic flow and poor pedestrian access and safety related to increased traffic on Hilfiker, Albert and Bluff.

The potential threat to life for pedestrians will be elevated due to increased traffic flow from the residents of the proposed subdivision.

As it is currently, the section of 12th street between Albert and Hilfiker is extremely dangerous for drivers in regards to the steep grade and poor visibility but more dangerous for pedestrians as there are no sidewalks or safety space for persons on foot or space for cyclists. Similarly, the section of Albert Street between 12th street to Chaney there are no sidewalks. Again, Bluff Avenue SE also has no sidewalks and will see increased traffic as drivers will naturally utilize Bluff Ave to access 12th Street Cutoff; a main thoroughfare. The increased traffic from the subdivision will have a negative impact on pedestrians, cyclists and children who use these roads everyday and will diminish the livability of the established neighborhood without additional requirements from the subdivision plans. Due to the wonderful and close neighborhood shopping opportunities (Natural Grocers and Trader Joe's) residents of the new subdivision will walk to access the neighborhood markets. It is the responsibility of the subdivision to care for current neighbors and the new residents safety and welfare by ensuring the existing neighbors are safe and accessible to pedestrians and cyclists.

The resolution to the safety implications due to increased traffic of existing streets and neighbors should be to require the subdivision to include the following changes prior to approval: expansion of 12th street between Albert and Hilfiker to include sidewalks and safe access to cyclists as well as speed bumps to reduce automobile speed. Similarly, for the span of Albert st between 12th and Chaney street sidewalks and speed bumps must be installed to ensure safety of pedestrians. Lastly regarding Bluff ave between Albert and Doris either require sidewalks and speed bumps or place a permanent street blockade at Bluff street where Bluff meets Albert to prevent drivers using Bluff Ave as cut through to access 12 th street cut off.

Thanks you kindly for your time
Kimberly Nixon



October 25, 2021

City of Salem
555 Liberty Street SE RM 320
Salem, OR 97301

RE: Meyer Farm: Proposed 138-lot subdivision

This letter is to generally address public and City Staff comments received regarding the proposed 138-lot subdivision at 4540 Pringle Road SE. In continued coordination with City Staff and in response to the public comments, the Applicant has adjusted the phasing plan, tree preservation count, and updated the 12th Street improvements in the northwest corner of the site.

As to phasing, the original phasing plan showed the first phase including the northwest corner open space tract and 20 lots. Now the phasing plan includes the construction of Hilfiker, the northeast corner open space tract and nearly 100 lots. The second phase includes all remaining lots and the northwest corner open space tract.

As to the tree preservation count, the Applicant did not originally include the 'area to remain' parcel surrounding the existing historic farmstead as "on-site" for the purposes of tree preservation and the total tree count. This area was excluded due to the importance of preserving the 'area to remain' parcel as-is, as well as understanding that the future ownership of, and therefore future plans for, that parcel are unknown. However, the City's Code requires the trees in the 'area to remain' parcel to be included in the total tree and tree preservation counts. All tree counts for the subject site met the minimum requirements when the 'area to remain' parcel was excluded, and with that parcel excluded, the Applicant proposed to preserve 30.72% of the total trees. Now, with the 'area to remain' parcel included in the total tree count and tree preservation proposed with this application, the Applicant proposes to preserve 43.94% of the total trees.

As to the 12th Street improvements, the Applicant proposes an updated 12th Street improvement, which is a slight adjustment from what was originally proposed. The adjustment is to continue the existing curb-tight sidewalk on 12th Street to keep the street improvements outside of a protected natural resources area. The sidewalk then transitions to the full ½ street improvement requirements once beyond the natural resource area. The location of the transition from curb-tight to sidewalk with planter strip is the proposed change and allows for additional protection to the natural resource in that area.

Sincerely,
Jennifer Arnold
Sr. Land Use Planner
jarnold@emeriodesign.com
(503)746.8812