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503-588-6173*

**DECISION OF THE PLANNING ADMINISTRATOR**

**SUBDIVISION / CLASS 2 ADJUSTMENT / DRIVEWAY APPROACH PERMIT  
CASE NO: SUB-ADJ-DAP17-12**

**APPLICATION NO. : 17-123366-LD & 17123367-ZO**

**NOTICE OF DECISION DATE: February 9, 2018**

**SUMMARY:** A subdivision to divide 0.99 acres into 5-lots ranging in size from approximately 4,910 square feet to 8,241 square feet, a Class 2 Driveway Approach Permit with a three Class 2 Adjustments.

A request for a 5-lot Subdivision, Driveway Approach Permit with a Class 2 Adjustments:

- To decrease the driveway from a paved 22 foot width to a 12 foot paved width;
- To decrease the distance between Mize Road to the proposed driveway from 370-feet to approximately 230-feet. Also to reduce the distance between the proposed driveways from 370-feet to 310-feet; and
- To allow access (two driveways) to a major arterial for single family dwellings constructed as part of a subdivision.

The proposed lots would be served by a one way private access easement. The property is zoned RS (Single Family Residential) and is located at 4333 Liberty Road S (Marion County Assessor map and tax lot number: 083W09AB04400).

**APPLICANT:** Brandon Fahlman & Whitney Fahlman

**LOCATION:** 4333 Liberty Road S - 97302

**CRITERIA:** Salem Revised Code 205.010(d), 250.005(d)(2) and 804.025(d)

**FINDINGS:** The Findings are in the attached Order dated February 9, 2018.

**DECISION:** The Planning Administrator **APPROVED** Subdivision SUB-ADJ-DAP17-12 subject to the following conditions of approval:

- Condition 1:** The east property line (abutting Liberty Road S) shall be the front property line for the five proposed lots.
- Condition 2:** Provide a tentative engineered stormwater design to accommodate future impervious surface on all proposed lots. Construct stormwater facilities as proposed in the public right-of-way and within public stormwater easements.
- Condition 3:** Tract A shall be either:

**NOTICE OF DECISION**

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005



- (a) Dedicated and maintained by the City of Salem as a public stormwater facility if meeting the criteria for a public facility pursuant to PWDS; or
- (b) Constructed as a private stormwater facility and maintained by the homeowners' association.

- Condition 4:** Construct water and sewer systems to serve each lot.
- Condition 5:** The proposed one-way access easement shall be constructed.
- Condition 6:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of Liberty Road S.
- Condition 7:** The 12-foot paved surface connecting to Liberty Road S on the northern portion of the property to the southern property line shall be located on the interior of the 22-foot wide easement, providing a five foot setback to adjacent properties to the west and south.
- Condition 8:** The five foot setback within the 22-foot easement shall be landscaped with a Type A landscaping standard.
- Condition 9:** Prior to final subdivision approval, a seven foot high sight-obscuring fence shall be installed along the west property line adjoining the easement and the westerly 65-feet of the southern property line adjoining the access easement.
- Condition 10:** "NO PARKING" signs shall be posted on both sides of the proposed accessway.
- Condition 11:** The access driveways shall have one direction of travel, entering from the northerly driveway and exiting from the southerly driveway.
- Condition 12:** The adjusted driveway development standards and adjusted vehicle use area setback standard, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the driveway development standards and vehicle use area setback standards, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by February 27, 2020 or this approval shall be null and void

Application Deemed Complete: December 28, 2017  
Notice of Decision Mailing Date: February 9, 2018  
Decision Effective Date: February 27, 2018  
State Mandate Date: April 27, 2018

Case Manager: Olivia Glantz, [OGlantz@cityofsalem.net](mailto:OGlantz@cityofsalem.net)

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., Monday, February 26, 2018.** 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(s) 205, 250 and 804. The appeal must be filed in duplicate with the City of Salem Planning Division. 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 at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR  
OF THE CITY OF SALEM  
(CASE NO. SUB-ADJ-DAP 17-12)**

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

<b>IN THE MATTER OF THE</b>	)	<b>FINDINGS AND ORDER</b>
<b>CONSOLIDATED TENTATIVE</b>	)	
<b>SUBDIVISION PLAN, CLASS 2 ZONING</b>	)	
<b>ADJUSTMENT AND DRIVEWAY</b>	)	
<b>APPROACH PERMIT CASE NO. 17-12;</b>	)	
<b>4333 LIBERTY ROAD S</b>	)	<b>February 9, 2018</b>

**REQUEST**

Summary: A subdivision to divide 0.99 acres into 5-lots ranging in size from approximately 4,910 square feet to 8,241 square feet, a Driveway Approach Permit with three Class 2 Adjustments.

A request for a 5-lot Subdivision, Driveway Approach Permit with a Class 2 Adjustments:

- To decrease the driveway from a paved 22-foot width to a 12 foot paved width;
- To decrease the distance between Mize Road to the proposed driveway from 370-feet to approximately 230-feet. Also, to reduce the distance between the proposed driveways from 370-feet to 310-feet; and
- To allow access (two driveways) to a major arterial for a single family dwelling constructed as part of a subdivision.

The proposed lots would be served by a one way private access easement. The property is zoned RS (Single Family Residential) and is located at 4333 Liberty Road S (Marion County Assessor map and tax lot number: 083W09AB04400).

**DECISION**

The tentative subdivision plan is APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of final plat approval, unless otherwise indicated:

- Condition 1:** The east property line (abutting Liberty Road S) shall be the front property line for the five proposed lots.
- Condition 2:** Provide a tentative engineered stormwater design to accommodate future impervious surface on all proposed lots. Construct stormwater facilities as proposed in the public right-of-way and within public stormwater easements.
- Condition 3:** Tract A shall be either:

- (a) Dedicated and maintained by the City of Salem as a public stormwater facility if meeting the criteria for a public facility pursuant to PWDS; or
- (b) Constructed as a private stormwater facility and maintained by the homeowners' association.

- Condition 4:** Construct water and sewer systems to serve each lot.
- Condition 5:** The proposed one-way access easement shall be constructed.
- Condition 6:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of Liberty Road S.
- Condition 7:** The 12-foot paved surface connecting to Liberty Road S on the northern portion of the property to the southern property line shall be located on the interior of the 22-foot wide easement, providing a five foot setback to adjacent properties to the west and south.
- Condition 8:** The five foot setback within the 22-foot easement shall be landscaped with a Type A landscaping standard.
- Condition 9:** Prior to final subdivision approval, a seven foot high sight-obscuring fence shall be installed along the west property line adjoining the easement and the westerly 65-feet of the southern property line adjoining the access easement.
- Condition 10:** "NO PARKING" signs shall be posted on both sides of the proposed accessway.
- Condition 11:** The access driveways shall have one direction of travel, entering from the northerly driveway and exiting from the southerly driveway.
- Condition 12:** The adjusted driveway development standards and adjusted vehicle use area setback standard, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the driveway development standards and vehicle use area setback standards, unless adjusted through a future land use action.

### PROCEDURAL FINDINGS

1. On December 6, 2017, an application for a Tentative Subdivision Plan, Class 2 Adjustments and Driveway Approach Permits was filed proposing to divide a 0.99 acre property at 4333 Liberty Road S (Attachment B) into 5 lots.
2. The application was deemed complete for processing on December 28, 2017. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on December 28, 2018. The state-mandated local decision deadline is April 27, 2018.

## SUBSTANTIVE FINDINGS

### 1. Proposal

The tentative plan proposes to divide the property into 5 lots for residential development (Attachment B), with lots ranging in size from 4,910 square feet to 8,241 square feet. All five lots will have access to Liberty Road S with a one way easement along the west and south property lines. The five lots will all have frontage along Liberty Road S.

The proposal is requesting three Class 2 Adjustments:

- To decrease the driveway from a paved 22 foot width to a 12 foot paved width;
- To decrease the distance between Mize Road to the proposed driveway from 370-feet to approximately 230-feet. Also, to reduce the distance between the proposed driveways from 370-feet to 310-feet; and
- To allow access (two driveways) to a major arterial for a single family dwelling constructed as part of a subdivision.

The analysis of the requested Class 2 Adjustment for conformance with the applicable approval criteria is included in Section 8 of this report. A Driveway Approach permit is proposed for the two driveways onto Liberty Road S.

The applicant has not proposed any specific phasing for the subdivision or residential development. The proposed configuration does not include any corner lots.

### 2. Existing Conditions

#### Site and Vicinity

The subject property consists of one tax lot forming a 0.99-acre, rectangular shaped site within a subdivision plat. The property previously contain seven dwelling prior to the widening of Liberty Road. The abutting property to the north, south and west were created by subdivision plat. The site is approximately 500 feet in length from north to south, and between approximately 45 to 100 feet from east to west. Liberty Road South, designated as a major arterial in the Salem Transportation System Plan (TSP), parallels the eastern property boundary.

The vicinity is primarily characterized by single family residences and a planned unit development. Overall elevation change on the site ranges from approximately 446 feet to 458 feet above sea level, across a flat terrain. Environmental resource and natural hazard maps show no areas of wetlands or floodplains. According to the City's Landslide Hazard Maps, there are no mapped potential landslide susceptibility.

#### 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 “Developing Residential” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

- North: Single Family Residential
- South: Single Family Residential
- East: Single Family Residential
- West: Across Liberty Street - Commercial

Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential) and is currently occupied by a single family residence. The surrounding properties are zoned and used as follows:

- North: RS (Single Family Residential); single family dwellings
- South: RS (Single Family Residential); single family dwellings
- East: RS (Single Family Residential); single family dwellings
- West: Across Liberty Street S - CO (Commercial Office); medical offices and 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 located within the S-2 water service level.  
  
A 10-inch public water main is located in Liberty Road S. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.
- Sewer:* An 8-inch public sewer line is located in Liberty Road S.
- Storm Drainage:* A 18-inch public storm main is located in Liberty Road S.
- Streets:* Liberty Road S currently abuts the subject property on the south boundary of the site. Liberty Road S is designated as a Major Arterial street in the Salem Transportation System Plan (TSP).

- The standard for this street classification is a 68-foot improvement within a 98-foot right-of-way.
- The abutting portions of Liberty Road S currently have an approximately 68-foot wide improvement within a 98-foot-wide right-of-way.

### 3. Land Use History

- **REP05-09** - Replat to consolidate lots totaling 1.81 acres in size (after conveyance of right-of-way) into two (2) lots (.82 acre and .99 acre).

### 4. Public and Private Agency Review

**Public Works Department** - The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided their comments and recommendation for plat approval. Their memorandum is included as Attachment D.

**Fire Department** - The Salem Fire Department submitted comments indicating all dwellings will be addressed off of Liberty Road. The private access to the rear of the proposed dwellings, will not meet access requirements for the Fire Department. Installation of a fence along Liberty Rd obscuring access would require the driveway to comply with Fire Department access requirements (minimum of 20 feet wide and 13-6 high, no parking either side, turn radius, etc). Address shall be readable & visible from Liberty Road.

**Staff Response:** Although the proposed accessway in the rear of the development is not wide enough to accommodate fire access, the houses can be served from Liberty Road S. As conditioned below, the east property lines will be designated the front property line for each lot limiting the height of a fence to four feet in height. Therefore, meeting the Fire Department requirements.

**Salem-Keizer Public Schools** – Planning and Property Services staff for the school district reviewed the proposal and submitted comments indicating that sufficient school capacity exists at the elementary and middle school level to serve future development within the proposed subdivision but not at the high school level. The school district indicated that the subject property is within the “walk zone” of the assigned elementary, middle, and high schools.

### 5. Neighborhood Association Comments

The subject property is within the Faye Wright Neighborhood Association and abutting Sunnyslope Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” No comments were received from

Sunnyslope Neighborhood Association or Faye Wright Neighborhood Association prior to the comment deadline.

## 6. Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed subdivision. Two property owners in the vicinity of the site submitted comments prior to the comment deadline. Comments expressed concerns with the following issues:

- **Traffic Impacts:** Comments expressed concern that traffic on the proposed easement would have increased litter, trespass, light and sound impacts to the neighboring properties. Comments suggest a barrier along the west and south property lines abutting the proposed easement.

**Staff Response:** The applicant is requesting an adjustment to allow two driveways and reduced pavement width to allow a private easement along the west property line and connecting to Liberty Road S. The primary access for five homes could create a conflict with neighboring properties to the west and south of the subject property. Therefore, as addressed below in Section 8 conditions to mitigate these conflicts will apply.

- **Future Access:** Comments concerning a neighboring property's ability to maintain access to Liberty Road in the event that we rebuild or redevelop the site. If the City of Salem Public Works would not allow an access on our property frontage, the review of this application would seem to be the appropriate point to set up a future shared access for our property and the development site.

**Staff Response:** The lot in question currently has access to Liberty Road and is developed. The neighboring property is zoned RS (Single Family Residential) with a minimum property size of 4,000 square feet for lots with frontage and 5,500 square foot minimum infill lot (excluding the accessway). The lot is approximately 9,100 square feet in size and has 70 feet in width. The required frontage for a new property is 40-feet which will require the existing property to have an existing 80-feet of frontage. Ultimately, the lot would not be large enough or have the required frontage to be divided; therefore providing a shared access is not required.

## 7. Criteria for Granting a Tentative Subdivision

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 city staff signing the final subdivision plat.

SRC Chapter 205.010(d) sets forth the criteria that must be met before approval can be granted to a subdivision 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) 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 511 (Single Family Residential): The proposed subdivision would divide the 0.99-acre property into 5 lots with a storm water tract. The site is currently zoned RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

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

<b>Requirement</b>	<b>Minimum Standard</b>
Lot Area (Single Family)	4,000 square feet
	5,500 square feet (Infill lot)
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
	Max. 300% of average lot width
Street Frontage	40 feet

Proposed lots in the subdivision range from approximately 4,910 square feet to 8,241 square feet in size excluding the private access easement. The proposed lots exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the 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)
- Minimum 20 feet for garages to private easement

Interior Side Yards:

- Minimum 5 feet

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

SRC Chapter 800 (General Development Standards):

*SRC 800.015(a) (Buildings to be on a Lot):* Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot. The subject property is vacant. The subject property is vacant and meet all applicable setbacks relative to the proposed lot boundaries.

*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. There are no corner lots, double frontage lots, or flag lots proposed within the subdivision.

The proposed lots each have adequate frontage abutting Liberty Road S. The proposal conforms to the requirements of SRC Chapter 800. The accessway will provided rear access to the proposed dwelling and Liberty Road S will provide Fire Department access and the applicant has indicated the property line abutting Liberty Road S is the front property line, therefore the following condition applies:

**Condition 1:** The east property line (abutting Liberty Road S) shall be the front property line for the five proposed lots.

SRC Chapter 806 (Off-Street Parking, Loading, and Driveways):

*SRC 806.030 (Driveway Development Standards for Single Family and Two Family Uses or Activities):* The private easement is proposed to serve five lots or at least ten parking spaces. The minimum driveway width for the proposed private easement is 22-feet wide. The applicant is proposing the easement be one-way, therefore the applicant is requesting an adjustment to reduce the paved width from 22-feet to 12-feet in width within a 22-foot wide easement. The adjustment is addressed below in Section 8.

The proposal conforms to the requirements of SRC Chapter 806.

**(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 partition 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 provide an engineered tentative stormwater design to accommodate future impervious surface on all lots.

Comments from the Public Works Department state the applicant shall construct stormwater facilities that are proposed in the public right-of-way and in public storm easements.

The proposed Tract A on the tentative plan should be dedicated and maintained by the City of Salem as a public stormwater facility if meeting the criteria for a public facility pursuant to PWDS. If the facility is unable to meet the criteria for a public facility, the facility shall be constructed as a private stormwater facility and maintained by the homeowners' association. The determination of public versus private facilities generally is based on the extent of drainage entering the facility from the public right-of-way.

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)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Pursuant to SRC 71.085, all proposed lots shall be designed and constructed with green stormwater infrastructure. In order to ensure that the partition can accommodate required stormwater facilities, the following condition of plat approval shall apply:

**Condition 2:** Provide a tentative engineered stormwater design to accommodate future impervious surface on all proposed lots. Construct stormwater facilities as proposed in the public right-of-way and within public stormwater easements.

**Condition 3:** Prior to final plat approval Tract A shall be either:

- (a) Dedicated and maintained by the City of Salem as a public stormwater facility if meeting the criteria for a public facility pursuant to PWDS; or
- (b) Constructed as a private stormwater facility and maintained by the homeowners' association.

As conditioned, 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 inside of the Urban Service Area. Therefore, a UGA permit is not required and the proposal conforms to the requirements of SRC Chapter 200.

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 dated February 6, 2018 (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. Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. As shown on the applicant's site plan, new water and sewer services shall be constructed in the right-of-way to serve each proposed lot. 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)(6)(B).

In order to ensure that water and sewer infrastructure are provided to the new lots created by the subdivision, and that appropriate connection fees are paid, the following conditions of approval shall apply:

**Condition 4:** Construct water and sewer systems to serve each lot.

As conditioned, the proposal meets the requirements of SRC Chapter 802.

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

*SRC 803.015 (Traffic Impact Analysis):* The proposed 5-lot subdivision generates less than 1,000 average daily vehicle trips to Liberty Street S, a major arterial street. Therefore, a TIA is not required as part of the proposed subdivision submittal.

*SRC 803.020 (Public and Private Streets):* The applicant does not propose any new streets; the property will be served by Liberty Road S and a private accessway.

*SRC 803.025 (Right-of-Way and Pavement Widths):*

Liberty Road S abuts the subject property on the east boundary of the subject property. The abutting portion of the Liberty Road S right-of-way has a 68-foot improvement within a 98 feet wide right-of-way, which is fully developed with curb and sidewalk.

The proposal meets this requirement.

*SRC 803.030 (Street Spacing):* The subdivision consists of one taxlot which is a rectangular shaped site that is surrounded by existing single family residential subdivisions. The proposed subdivision lots will all have frontage on Liberty Street S, which is existing on the east property line. There are no new streets proposed and based on the existing development pattern in the vicinity, the proposed subdivision is precluded from making connections to adjacent properties which is excepted from this requirement under SRC 803.030(a)(2).

*SRC 803.035 (Street Standards):* Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The subject property abuts platted and built-out residential subdivisions to the north, south, and west and Liberty Street to the east. The proposed subdivision plan does not include any new public streets. The applicant is proposing a private accessway which will provide access to the rear of each lot.

Subsection (l) requires construction of sidewalks as part of street improvement projects. 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 proposed lots will all have frontage on to Liberty Street, which currently has sidewalks existing. The lots will be provided access to the rear via a private driveway, to ensure each lot is buildable at final plat the following condition of approval shall apply:

**Condition 5:** The proposed 12-foot one-way access easement shall be constructed.

Subsection (m) requires streets identified in the Salem Transportation System Plan (TSP) Bicycle System Map as requiring a bicycle facility to conform to the designation of the TSP and Public Works Design Standards. The TSP Bicycle Map designates existing or funded bike lanes. There are currently bike lanes on the abutting portion of Liberty Street S.

Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Portland General Electric, the franchise utility provider of electricity for the subject property, typically requests a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

**Condition 6:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of Liberty Road S.

As conditioned, the proposal conforms to applicable street standards.

*SRC 803.040 (Boundary Streets):* Liberty Road S abuts the subject property on the east boundary of the subject property. The abutting portion of the Liberty Road S right-of-way has a 68-foot improvement within a 98 feet wide right-of-way, which is fully developed with curb and sidewalk.

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

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 the construction of single-family dwelling units, where trees are proposed for removal. The applicant has submitted an application for tree conservation plan approval in conjunction with the subdivision application (TCP18-01). SRC 808.035(d)(4) requires in relevant part that an application for a Tree Conservation Plan shall be granted if "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 on the property are designated for preservation, only those trees reasonably necessary to accommodate the development proposal shall be designated for removal."

The applicant is proposing to remove all of the existing trees on site, which is less than the minimum tree preservation requirement of 25 percent. The subject property is narrow and due to access constraints on Liberty Road S a private driveway is proposed along the western property line. The existing trees are located within the proposed driveway, within the building envelope or close to building envelopes in areas with high risk of damage during future construction. The applicant will be required to replant trees as a condition of approval in conformance with SRC Chapter 808, Table 808-1 for the Tree Conversation Plan. Four of the five proposed lots are less than 6,000 square feet, requiring two trees to be planted on each lot and the fifth proposed lot is greater than 8,000 square feet requiring five trees to be planted. As conditioned in the Tree

Conservation Plan those trees planted pursuant SRC Chapter 808, Table 808-1 will be located on each individual lot outside of the accessway. As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 808 requirements.

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) does not identify any wetlands on the subject property. As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 809 requirements.

SRC Chapter 810 (Landslide Hazards): The 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, the subject property does not contain any mapped landslide hazard susceptibility points. There are 3 activity points associated with the proposed subdivision. The proposed development has no greater than 4 landslide hazard points and is a low landslide hazard risk.

**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 proposed subdivision would divide a 0.99-acre property into 5 lots and a private driveway easement along the western property line. The lots within the proposed subdivision, are of sufficient size and dimensions to permit future development of one single family dwelling each, or development of other SRC Chapter 511 "permitted," "special," or "conditional" uses. 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. This criterion has been met.

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 and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. Developments are required to extend public utility services to serve upstream and neighboring properties; the tentative utility plan appears to meet that requirement. Conditions of approval require construction of water and sewer systems to serve each lot, an engineered stormwater design to accommodate future impervious

surfaces, and dedication of a public utility easement to allow installation and maintenance of private utility infrastructure.

The Public Works Department reviewed the proposal for consistency with the Comprehensive Parks Master Plan Update and found that the subject property is served by developed parks. No park-related improvements are required as a condition of development.

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)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

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:** Liberty Road S, a designated major arterial, abuts the subject property at the east property boundary. The applicant proposes to provide access to the existing street network for all five lots via a 20-22-foot wide paved private access easement. The proposed access easement will consist of a 12-foot one-way traffic lane and a 5-foot landscaping buffer abutting the neighboring properties to the west and south. The easement will provide an adequate connection to the existing street network via Liberty Road S.

The portion of Liberty Road S abutting the subject property meets the current standard for a major arterial street, as established by the Salem Transportation System Plan (TSP). The applicant is applying for an Adjustment to allow two driveways onto a major arterial for single family dwelling construction. In order to develop the property with five single family dwellings the adjustment is needed to provide the proposed one-way easement which will serve all five dwellings. In order to minimize the impact to Liberty Road and the adjacent street system the one-way accessway will provide safe, orderly, and efficient circulation of traffic into and out of the proposed subdivision, the Class 2 Adjustment is address below in Section 8.

As proposed and conditioned, the internal street extensions serving the subdivision conform 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:** The applicant's proposal includes a private accessway rather than a public street to serve the proposed flag lots. A public street is impractical for the proposed development based on the existing conditions of the surrounding street network. The existing subdivision to the south and west and Liberty Road S to the east do not provide

linking points that would allow for internal street connectivity. The private accessway will be one-way, therefore the applicant is requesting an adjustment to reduce the paved width from 22-feet to 12-feet in width within a 22-foot wide easement. The adjustment is addressed below in Section 8. The private accessway proposed by the applicant would provide adequate vehicular access to the proposed lots.

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 proposed subdivision is situated within one-half mile of eight neighborhood activity centers:

- Stops for Cherrlots Route #8 and 18, abutting the subject property at the intersection of Liberty Road and Mize Road S.
- Queen of Peace, a private school is approximately 1,700 feet to the east from the proposed subdivision, located at 4227 Lone Oak Road SE.
- Wright Elementary School, a public elementary school, is approximately 2,400 feet to the east of the proposed subdivision, located at 4060 Lone Oak Road SE.
- Liberty Elementary School, a public elementary school, is approximately 2,640 feet south on Liberty Road S.
- A major shopping center on Liberty Street S, including Sunnyslope Center and other commercial centers anchored by major retailers such as Roth's.
- Wendy Kroger Park, approximately 2,000 feet south of the closest lots within the subdivision, located at 200 Arlene Avenue SE.

The proposed subdivision is accessed by a major arterial street abutting the subject property.

A combination of present school campuses, parks, and mixed-use areas will provide a variety of destinations that can be accessed from the proposed subdivision by a variety of modes.

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 Public Works Department has reviewed the proposal and finds that the 5-lot subdivision will generate less than 1,000 average daily vehicle trips to Liberty Street SE, designated in the Transportation System Plan as a Major Arterial. Accordingly, a Transportation Impact Analysis is not required as part of the review of the tentative subdivision plan.

**SRC 200.010(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 southern portion of the subject property has some elevation gain and is generally flat where the proposed home sites are located. The applicant has submitted an application for tree conservation plan approval in conjunction with the subdivision application (TCP18-01). There are 14 trees on the subject property, all which will be removed. The 14 trees proposed for removal are generally within the footprint of building envelopes, the proposed accessway, or close to building envelopes in areas with a high risk of damage during future construction.

The proposal meets this criterion.

**SRC 200.010(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 to allow single family residential development of the site while minimizing disruptions to topography and vegetation. The lots make efficient use of the flat property. The applicant has submitted an application for tree conservation plan approval in conjunction with the subdivision application (TCP18-01). The applicant has proposed to remove all 14 trees on the subject property, or approximately 100 percent of the trees on the subject property. There are site constraints which makes removal of more than 25 percent of the trees reasonably necessary. Many of the trees proposed for removal are in the proposed access easement to serve the proposed dwelling or within the proposed stormwater conveyance swale. All other trees proposed for removal are within building envelopes of the proposed lots. Although the tree conservation plan preserves less than 25 percent of the existing trees on the subject properties, the applicant has only designated trees for removal that are reasonably necessary to accommodate grading, streets, and building sites for the proposed development.

The proposal meets this criterion.

**SRC 200.010(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 within the Urban Service Area. Therefore, this criterion does not apply.

## **8. Criteria for Granting a Class 2 Adjustment**

Because of limitations on access to the subject property, and because of the property's overall size and dimensions, the applicant has requested three Class 2 Adjustments with the subdivision seeking approval to: decrease the driveway from a paved 22 foot width to a 12 foot paved width; to decrease the distance between Mize Road to the proposed driveway from 370-feet to approximately 230-feet; reduce the distance between the proposed driveways from 370-feet to 310-feet; and to allow access (two driveways) to a major arterial for a single family dwelling constructed as part of a subdivision.

Pursuant to SRC 250.005(d)(2), an application for a Class 2 Adjustment shall be granted if the following criteria are met:

**A. 250.005(d)(2)(A):** The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or**
- (ii) Equally or better met by the proposed development.**

Findings:

***To decrease the driveway from a paved 22 foot width to a 12 foot paved width:***

SRC 806.030(b) provides that a driveway serving more than 3 parking spaces shall be 22 feet in width. The 22 foot width would accommodate two-way traffic to the parking spaces; the applicant is proposing a one way shared driveway along the west property line connecting to Liberty Road near the south property line and approximately 230 feet south of Mize Road. The proposed private accessway (driveway) will serve all five lots. The Salem Revised Code (Code) currently does not address one-way accessways (driveways) for single family use, only for one-way traffic for commercial uses. Pursuant to SRC 806.040(d) the width of a commercial driveway for one-way traffic is 12-feet. The proposed driveway to serve the subdivision is a 22-foot easement with a 12-foot paved surface. The proposal minimizes driveways on to Liberty Road, which is prohibited for new single family uses, to two driveways instead of five. The subject

property has a total frontage of 155 feet, with an existing residence extending approximately 55 feet westward from the east property line. These constraints more or less dictate alignment of a private access easement along the western property line.

Comments were received concerning the impacts on those lots abutting the proposed easement (driveway). Concerns raised are littering, trespassing, light pollution and noise impacts on the existing residents.

Typically, a subdivision would be designed that the rear yards of the proposed lots and existing lots would be abutting, which would minimize impacts to existing homes. Locating a private driveway along the rear and side yard of the existing home may cause noise or light impacts from the new dwellings and possible stormwater runoff from the paved surface. Providing a 5-foot landscaped buffer between the paved driveway and neighboring properties may mitigate these impacts, in addition a 7-foot fence along those property lines could minimize light and noise pollution to existing residences. Since the location of the easement is along the rear and side yard of six existing lots to minimize conflicts between existing dwellings the following conditions shall apply:

**Condition 7:** The 12-foot paved surface connecting to Liberty Road S on the northern portion of the property to the southern property line shall be located on the interior of the 22-foot wide easement, providing a five foot setback to adjacent properties to the west and south.

**Condition 8:** The five foot setback within the 22-foot easement shall be landscaped with a Type A landscaping standard.

**Condition 9:** Prior to final subdivision approval, a seven foot high sight-obscuring fence shall be installed along the west property line adjoining the easement and the westerly 65-feet of the southern property line adjoining the access easement.

The proposed driveway to serve the proposed five dwellings will have a narrow, paved width with one-way traffic going south to north. Since traffic will be traveling on a 12-foot paved, one-way access, any parking on the access way could prevent adequate traffic flow. To ensure traffic does not queue on to Liberty Street S, parking is prohibited on the accessway. To ensure future residents and guests know of the parking prohibition, the following condition shall apply.

**Condition 10:** "NO PARKING" signs shall be posted on both sides of the proposed accessway.

The proposed lots are will be addressed off of Liberty Road and are of adequate size and configuration to obtain building permits without the need for a variance or adjustments to setbacks. The private lots will enhance the livability of the residential area.

The requested adjustment is the only means available to permit the subject property to be divided into five lots and permit the preservation of the property right for the subject

property to be divided. The proposal equally meets the purpose underlying the development standards proposed for adjustment. This criterion is met.

**Reduced Driveway Spacing:** The applicant is requesting to decrease the distance between Mize Road to the proposed driveway from 370-feet to approximately 230-feet. In addition, to reduce the distance between the proposed driveways from 370-feet to 310-feet.

There are two existing driveways on the west side of Liberty Road S between Cunningham Lane and Mize Street that do not meet the spacing standards described in SRC 804.035(d) and the applicant's proposal includes installing two new driveways, an exit on the southern portion of the property and entrance on the northern portion of the property. The property frontage is approximately 510 feet on Liberty Road S. There is an existing bus stop located along the frontage of the subject property, approximately 70-feet north of the proposed entrance to the subdivision. The entrance to the proposal is 230 feet south of the northeast corner of the subject property and Mize Road. The proposed entrance is directly across from Idylwood Drive SE, which creates a four-way intersection and limits traffic conflicts at the entrance-only driveway. The proposed exit is 310 feet north of the exiting driveway for the proposed subdivision. Due to the configuration of the subject property, limitation on access to Liberty Road S the locations of the proposed driveways took many factors into consideration. The proposal maintains a safe distance from existing roads, driveways and the bus stop. City staff concur with these findings and have determined there are no opportunities for providing an alternate location or constructing a shared driveway.

**Access (two driveways) to a major arterial for a single family dwelling constructed as part of a subdivision:**

Liberty Road S, a designated major arterial, abuts the subject property at the east property boundary. The applicant proposes to provide access to the existing street network for all five lots via a 20-22-foot wide paved private access easement. The proposed access easement will consist of a 12-foot one-way traffic lane and a 5-foot landscaping buffer abutting the neighboring properties to the west and south. The easement will provide an adequate connection to the existing street network via Liberty Road S.

The portion of Liberty Road S abutting the subject property does meet the current standard for a major arterial street, as established by the Salem Transportation System Plan (TSP). Access on arterial streets are limited for singly family uses due to motorists entering the arterial street in a reverse direction, causing higher risk of traffic conflicts. The applicant is applying for an adjustment to allow two driveways to a major arterial for single family dwelling construction. There is no other access available to the subject property on a lesser classified street. In order to develop the property with five single family dwellings the adjustment is needed to provide the proposed one-way easement which will serve all five dwellings. The two proposed driveways are approximately 310 feet apart and the entrance to the subdivision is aligned with Idylwood Street across Liberty Road. To minimize impacts to Liberty Road and the adjacent street system, the

one-way accessway will provide safe, orderly, and efficient circulation of traffic into and out of the proposed subdivision. The conditions above have mitigated impacts to surrounding properties.

The proposed driveways comply with this adjustment criterion. Any future change to the driveway on the subject property needs to comply with the requirements of SRC 804.035(d), unless changed through a future land use action. To ensure compliance with this requirement, the following condition is necessary:

**Condition 11:** The access driveways shall have one direction of travel, entering from the northerly driveway and exiting from the southerly driveway.

**Condition 12:** The adjusted driveway development standards and adjusted vehicle use area setback standard, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the driveway development standards and vehicle use area setback standards, unless adjusted through a future land use action.

**B. 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.**

**Finding:** The subject property is zoned RS (Single Family Residential). The RS zone is a residential zone and therefore this approval criterion is applicable to the applicant's requested adjustment.

The proposed reduction driveway width, driveway spacing and residential access onto a major arterial will not detract from the livability or appearance of the residential area because the reduction applies only to the proposed access to the five single family dwelling which would otherwise have separate driveways and/or require additional adjustments. The proposal would provide for dwellings facing Liberty Road and safer access for five dwellings connecting to Liberty Road. The requested adjustment satisfies this approval criterion.

As condition, the proposal meets this criterion.

**C. 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.**

**Finding:** The three adjustments requested by the applicant are related to the current configuration of the existing property and providing access to the new dwellings. The proposed development and requested adjustments are consistent with the overall purpose of the RS – Single Family zone.

The requested adjustments are minimal in scope and allow only minor deviations from standards whose underlying purposes, as indicated in the associated Class 2 adjustment findings, are otherwise met by the proposed development. Because the requested adjustments allow only minor deviations from the applicable standards for limited number of lots, the cumulative effect of the adjustments will not result in a project which is inconsistent with the overall purpose of the RS zone. The requested adjustment satisfies this approval criterion.

**9. Analysis of Class 2 Driveway Approach Permit Criteria**

SRC 804.025(d) states:

A Class 2 Driveway Approach Permit shall be granted if:

Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards (PWDS).

**Finding:** The proposed driveways to Liberty Street S meets the standards of SRC Chapter 804, except for the number of driveway approaches as approved through a concurrent Class 2 Adjustment. The Class 2 Adjustment findings are included in Section 8 of this report. The proposed access to the subject property is provided by a one-way private access easement, with approximately 310-feet between the driveway approaches. The City Traffic Engineer has reviewed the proposed configuration and determined the spacing provides adequate distance for safe turning movements.

Criterion 2:

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

**Finding:** Existing site conditions, as documented in the Class 2 adjustment, prohibit placing a driveway in the required location. The applicant has applied for adjustments to the driveway spacing standards for the proposed new driveways (accessway) which are detailed in Section 8. As described in the findings for the adjustments, the driveways are placed so as to minimize disruption to the traffic system, while still providing access to the proposed new lots.

Criterion 3:

The number of driveway approaches onto an arterial are minimized.

**Finding:** The previous use on the subject property included seven individual residential driveways directly to Liberty Road S. Improvements to Liberty Road S and the proposed subdivision layout allows the driveways to be minimized to two individual one-way driveways to Liberty Road S, therefore minimizing the number of driveway approaches to an arterial street.

Criterion 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.

**Finding:** The proposed driveways are currently located with access to the lowest classification of street abutting the subject property. Pursuant to SRC Chapter 804.035 a driveway approach to a major arterial street is allowed if the development cannot be feasibly served by access onto a local or collector street. The proposed development does not have adequate frontage on Mize Road S to provide for access to a local street with a safe distance from the intersection of Mize Road S and Liberty Road S. The unique geometry of the property requires two driveways to Liberty Road S to allow for through access to the proposed lots. The driveways will be limited to a one-way shared access.

Shared access with adjacent property to the south is not feasible at this time due to the existing use and location of structures on the property.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

**Finding:** The proposed driveways to Liberty Road S meet the PWDS vision clearance standards set forth in SRC Chapter 805.

Criterion 6:

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

**Finding:** The proposed driveway will not create a known traffic hazard and will provide for safe turning movements for access to the subject property in conformance with the proposed one-way shared access.

Criterion 7:

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

**Finding:** The proposed driveway locations have been situated so as to minimize adverse impacts to the vicinity. Providing a one-way accessway eliminates cars backing onto Liberty Road S from individual driveways, limits 5 dwellings to 2 driveways and aligns the driveways in a way that will reduce adverse impacts to the traffic system. The new driveways, as proposed, will not cause an adverse impacts to the adjacent properties or streets.

Criterion 8:

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

**Finding:** The proposed driveway approaches to Liberty Road S minimize the impact to the functionality of the adjacent intersections by locating the approaches a safe distance from intersections and limiting access to one-way.

Criterion 9:

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

**Finding:** The subject property abuts residential property. The proposed driveways will not have an effect on the functionality of adjacent properties or streets.

## 10. Conclusion

Based upon review of SRC 205.005, the findings contained under Section 8 above, and the comments described, the tentative subdivision plan complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

### IT IS HEREBY ORDERED

That Tentative Subdivision Plan, Class 2 Adjustments and Driveway Approach Permit Case No. 17-12, on property zoned RS (Single Family Residential), and located at 4333 Liberty Road S (Marion County Assessor map and tax lot number: 083W09AB04400), is **APPROVED** subject to 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:** The east property line (abutting Liberty Road S) shall be the front property line for the five proposed lots.
- Condition 2:** Provide a tentative engineered stormwater design to accommodate future impervious surface on all proposed lots. Construct stormwater facilities as proposed in the public right-of-way and within public stormwater easements.
- Condition 3:** Tract A shall be either:
- (a) Dedicated and maintained by the City of Salem as a public stormwater facility if meeting the criteria for a public facility pursuant to PWDS; or
  - (b) Constructed as a private stormwater facility and maintained by the homeowners' association.
- Condition 4:** Construct water and sewer systems to serve each lot.
- Condition 5:** The proposed one-way access easement shall be constructed.

- Condition 6:** Dedicate a 10-foot public utility easement (PUE) along the street frontage of Liberty Road S.
- Condition 7:** The 12-foot paved surface connecting to Liberty Road S on the northern portion of the property to the southern property line shall be located on the interior of the 22-foot wide easement, providing a five foot setback to adjacent properties to the west and south.
- Condition 8:** The five foot setback within the 22-foot easement shall be landscaped with a Type A landscaping standard.
- Condition 9:** Prior to final subdivision approval, a seven foot high sight-obscuring fence shall be installed along the west property line adjoining the easement and the westerly 65-feet of the southern property line adjoining the access easement.
- Condition 10:** "NO PARKING" signs shall be posted on both sides of the proposed accessway.
- Condition 11:** The access driveways shall have one direction of travel, entering from the northerly driveway and exiting from the southerly driveway.
- Condition 12:** The adjusted driveway development standards and adjusted vehicle use area setback standard, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the driveway development standards and vehicle use area setback standards, unless adjusted through a future land use action.



Olivia Glantz, Planning Administrator Designee

- Attachments: A. Vicinity Map  
B. Tentative Subdivision Plan  
C. Applicant's Written Statement on Tentative Subdivision Plan  
D. City of Salem Public Works Department Comments

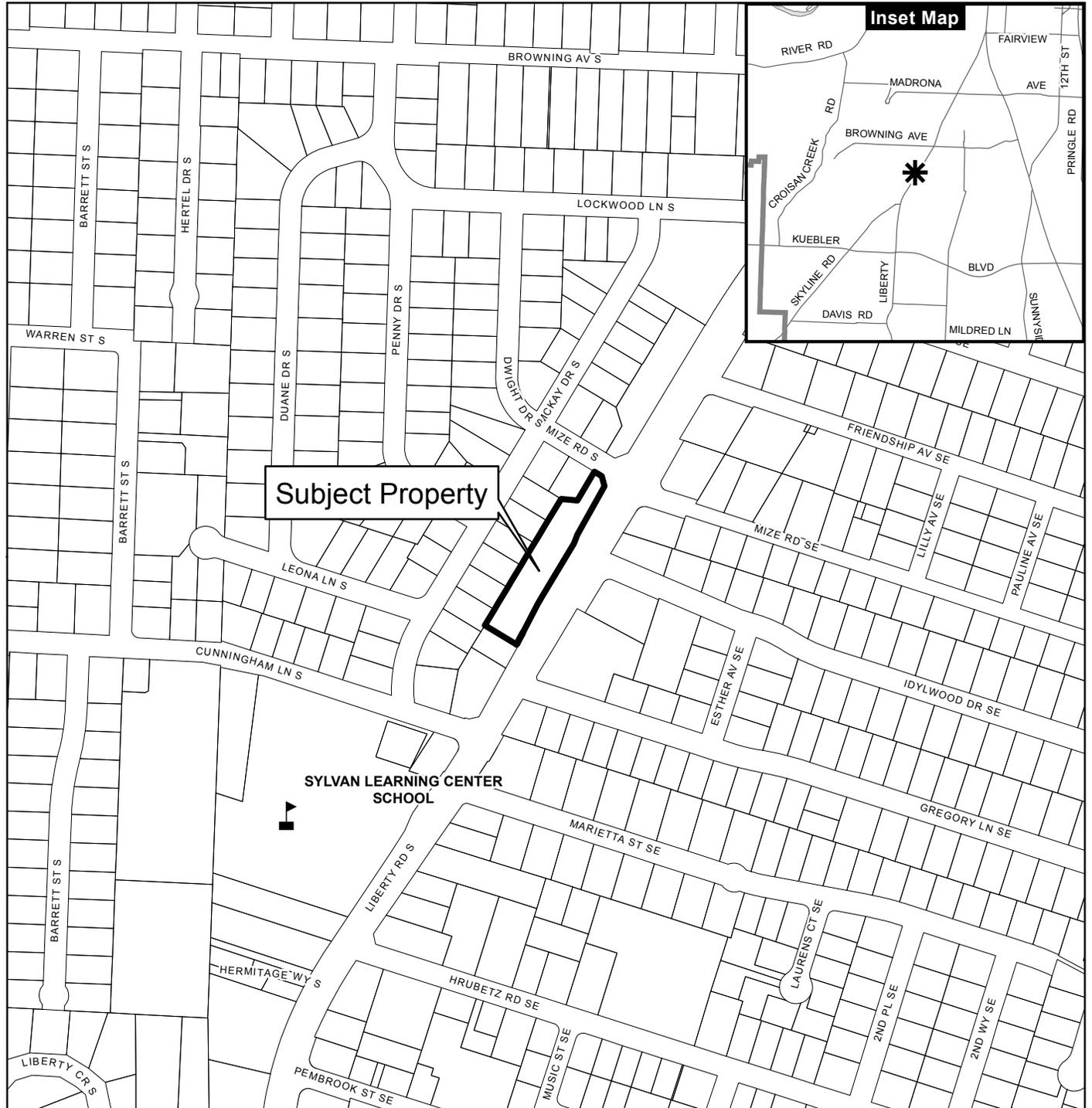
Application Deemed Complete: December 28, 2017  
Notice of Decision Mailing Date: February 9, 2018  
Decision Effective Date: February 27, 2018  
State Mandated Decision Date: April 27, 2018

The rights granted by this decision must be exercised or extension granted by February 27, 2020 or this approval shall be null and void.

A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

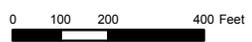
This decision is final unless written appeal from a party with standing to appeal, along with an appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Monday, February 26, 2018, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. The Planning Commission may amend, rescind, or affirm the action or refer the matter to staff for additional information.

# Vicinity Map 4333 Liberty Road S



**Legend**

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

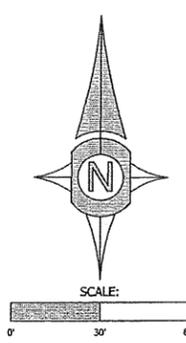
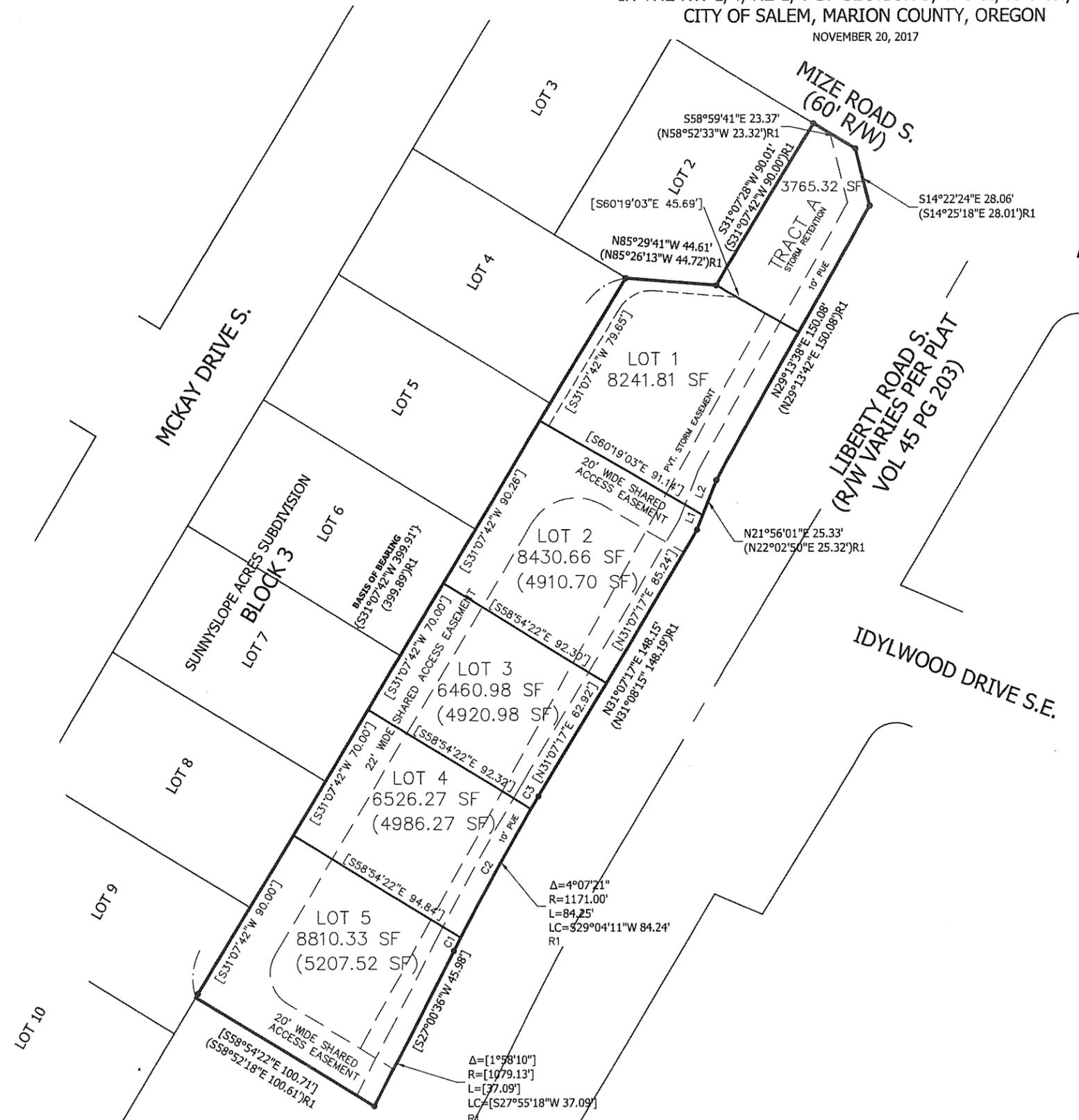


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# TENTATIVE PLAT SUNNYSLOPE No.3

A REPLAT OF LOT 2, SUNNYSLOPE ACRES NO. 2  
IN THE NW 1/4, NE 1/4 OF SECTION 9, T. 8 S., R. 3 W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

NOVEMBER 20, 2017



**NARRATIVE:**

THE PURPOSE OF THIS TENTATIVE PLAT IS TO SUBDIVIDE THE LAND SHOWN HEREON PER CITY OF SALEM REVISED CODE, ORS 92, AND AT OUR CLIENTS REQUEST.

THE EXTERIOR BOUNDARY OF THE PLAT IS HELD AS SURVEYED AND MONUMENTED FOR LOT 2 ON SUNNYSLOPE ACRES NO. 2 (PLAT VOLUME 45 PAGE 203), TRACT "A" TO BE CONVEYED TO THE CITY OF SALEM.

**OWNER:**

BRANDON AND WHITNEY FAHLMAN  
974 TERRACE DRIVE NW  
SALEM, OREGON 97304

**NOTE:**

AREAS SHOWN IN ( ) INDICATE TOTAL AREA OUTSIDE THE PROPOSED SHARED ACCESS EXCEED 4000 S.F. PER SRC.

**EXTERIOR BOUNDARY LINE TABLE**

#	BEARING/Delta	LENGTH
[L1]	N21°56'01"E	7.36'
[L2]	N21°56'01"E	17.97'

**EXTERIOR BOUNDARY CURVE TABLE**

#	DELTA	LENGTH	RADIUS	CHORD
[C1]	0°20'53"	7.12'	1171.00'	N27°10'57"E 7.12'
[C2]	3°25'40"	70.05'	1171.00'	N29°04'14"E 70.04'
[C3]	0°20'48"	7.08'	1171.00'	N30°57'28"E 7.08'

**LEGEND**

- MONUMENT FOUND AS NOTED
- MONUMENT SET 5/8"x30" IRON ROD WITH ORANGE PLASTIC CAP STAMPED: UDELL ENG
- ⊗ MONUMENT SET 5/8"x30" IRON ROD WITH ALUMINUM CAP STAMPED: UDELL ENG
- ⊙ MONUMENT SET 1" BRASS PLUG STAMPED: UDELL ENG
- ⊕ MONUMENT FD 5/8"x30" IRON ROD WITH ALUMINUM CAP STAMPED: PLS 1366 PER C.S. 24302 OR AS NOTED OTHERWISE
- FD FOUND
- BC BRASS CAP
- CL CENTERLINE
- C.S. COUNTY SURVEY
- D.N. MARION COUNTY DEED DOCUMENT NO.
- ( ) DATA OF RECORD PER C.S. 24302 OR AS NOTED OTHERWISE
- [ ] CALCULATED DATA
- IR IRON ROD
- MF MICROFILM
- PP MARION COUNTY PARTITION PLAT
- PUE PUBLIC UTILITY EASEMENT
- R/W RIGHT-OF-WAY
- SF SQUARE FEET
- W/OPC WITH ORANGE PLASTIC CAP
- W/YPC WITH YELLOW PLASTIC CAP
- WOOD FENCE
- R1 DATA OF RECORD PER MARION COUNTY PLAT VOL 45, PG 203

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
BRIAN VANDETTA  
EX-1-LS  
EXPIRES 06-30-2016  
SHEET 2 OF 5

**Udell**  
ENGINEERING & LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON 97355  
PH. (541) 451-5125  
FAX (541) 451-1366  
14-059

**EXHIBIT A – LAND USE APPLICATION NARRATIVE****SUNNYSLOPE No. 3 SUBDIVISION****GENERAL INFORMATION**

**NATURE OF REQUEST:** Application for 5 Lot single family subdivision and a tract for storm retention on a 0.99-acre property adjacent to the southwest corner of Liberty Road Southeast and Mize Road South. The request is to develop the land including:

- ❖ Creating 5 single family residential Lots
- ❖ Various site improvements
  - Storm drainage and retention facilities
  - Shared one-way paved private access road
  - Required site vegetation

**APPLICANT:** Jed Bennett/Steve Bennett Construction  
1430 Glory Ridge Court NW  
Salem, Oregon 97304

**OWNER:** Brandon & Whitney Fahlman  
974 Terrace Drive NW  
Salem, Oregon 97304

**PROPERTY LOCATION:** On the west side of Liberty Road Southeast, south of the intersection with Mize Road South. (Tax Lot 4400 of Map 8S-3W-9AB).

**COMP. PLAN DESIGNATION:** Single Family Residential (SFR)

**ZONING DESIGNATION:** Single Family Residential (RS)

**CURRENT LAND USE:** Vacant

## **BACKGROUND**

The subject property is approximately 0.99 acres located on the west side of Liberty Road Southeast, south of the intersection with Mize Road South. The property was 7 single-family Lots of the Sunnyslope Acres Subdivision prior to the replat in 2006. The property is currently vacant. The Zoning designation for the property is Single Family Residential (RS). The basic land use classification proposed conforms with this Zoning designation.

The subject property is well located for this residential subdivision. The subject property is bordered on the south and west sides by Single Family Residential and also on the north side across Mize Road by Single Family Residential zoned land. The site has adequate frontage on Liberty Road, with a shared drive loop allowing for safe and convenient access to and from the property. The subject property is bordered on the east side across Liberty Road by Commercial Office zoned land. These adjacent properties along all sides are fully developed.

## **PROPOSAL**

This proposal includes an application for a Subdivision under the provisions of SRC 205, an Adjustment under the provisions of SRC 806 and 804, a Tree Conservation Plan per SRC 808, and a Driveway Approach Permit per SRC 804. The applicant was guided by City of Salem Planning Department staff to process the planning application through these processes as prescribed by Salem Revised Code.

The infrastructure required for the project will be constructed and funded by the applicant. The infrastructure improvements include the following:

- ❖ Onsite storm drainage utility improvements including storm pipes, stormwater conveyance swales, and a public retention pond
- ❖ Sanitary sewer and water services from Liberty Road to each Lot
- ❖ Shared paved private site access

The applicant acknowledges the purpose of the City of Salem Unified Development Code is to:

- ❖ Promote and protect the health, safety, and general welfare of the public;
- ❖ Provide for the orderly growth and development of the City;
- ❖ Ensure an appropriate mix of land uses to provide for the economic and social benefits which result from the orderly, planned use of land;
- ❖ Ensure the provision of adequate public facilities and services;
- ❖ Allow for adequate open space;
- ❖ Protect property from risks and dangers;

- ❖ Preserve and restore historic resources;
- ❖ Preserve and enhance environmental resources, the natural scenic beauty of the area, and aesthetic qualities of the community.

The applicant further acknowledges this code identifies the specific submittal requirements, the applicable review procedure types, and the approval criteria for various types of land use and development review applications. All of these provisions and exceptions to provisions are determined through the land use decision process for the proposed use.

## **REQUIRED APPLICATION MATERIALS**

Pursuant to SRC 300.210, the applicant is presenting detailed information with the application to allow for a review to be performed. Please see the following code citations (*in italics*) followed by land use application responses.

### ***SRC 300.210 APPLICATION SUBMITTAL***

***(a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.***

***1. A completed application form.***

The application is completed and submitted for review.

***2. Recorded deed/land sales contract with legal description.***

The property deed is attached for your review.

***3. Any information that would give rise to an actual or potential conflict of interest under State or local ethics laws for any member of a Review Authority that will or could make a decision on the application.***

The applicant has no knowledge of any actual or potential conflict of interest with the review authority that will or could make a decision on the application. However, the applicant acknowledges Sally Cook is a City Council member and is active in the Sunnyslope Neighborhood Association.

4. *Pre-application conference written summary, if a pre-application conference was required under SRC 300.310(a) and Table 300-100-2; or copy of the approved pre-application conference waiver, if such approval was granted pursuant to SRC 300.310(b).*

Per Table 300-100-2, a pre-application meeting is not required for the proposed subdivision and tree conservation plan. However, the pre-application meeting was required for the proposed Class 2 Adjustment for the proposed shared single-lane private driveway. The City response to the proposal (Pre-Application Conference Case No. PRE-AP17-75) was as follows:

**Proposed Vehicular Access**

*Due to the shallow depth of the subject property, existing development to the north, south, and west, and access limitations from the individual lots onto Liberty Road South, access to the proposed development is proposed to be provided by a separate shared private driveway.*

*At the pre-application conference different methods were discussed for the creation of the proposed shared private access. Options considered included developing the subject property as a PUD with a reduced-width private street or subdivision with a private flag lot accessway or driveway.*

*A PUD would allow for the creation of a private street through approval of an alternative street standard of a narrower width. The proposed access could also be created through a subdivision with a shared private access. Because the proposed lots front on Liberty Road SE and are not flag lots, the private shared access could not be created as a flag lot accessway. The access could, however, be created as a private shared driveway access.*

*Pursuant to City's off-street parking chapter (SRC Chapter 806), specifically SRC 806.030(b), the minimum required width for driveways serving three or more parking spaces is 22 feet. The proposed plan shows a 12-foot-wide one-way driveway within a 22-foot-wide easement. The 12-foot-wide driveway proposed is in response to a discussion from a previous pre-application conference that indicated a 12-foot width as potentially being possible.*

*At the previous pre-application conference it was explained that the narrowest acceptable width for the one-way access was 12 feet. Twelve feet was identified because 12 feet is the minimum width identified under SRC Chapter 806 (Off-Street Parking, Loading, & Driveways) for a one-way driveway serving uses other than Single Family and Two Family. However, comments from the Fire Department indicated that, although they would not necessarily need to use the private street because the lots will have frontage on Liberty Road, a wider width would be preferable. As such, a potential width of 15 feet was later discussed, along with a required 5-foot landscape strip between the pavement and the abutting properties to the west.*

*At this most recent pre-application conference the possibility of improving the one way access to a width greater than 12 feet was again discussed. One possibility discussed was improving the access to a width of 15 feet with a 5-foot-wide landscape strip within a 20-foot-wide easement. Another possibility discussed was improving the access to a width of 17 feet with a 5-foot-wide landscape strip within a 22-foot-wide easement.*

*In order for the proposed driveway width to be less than the 22 feet required under SRC Chapter 806, an adjustment will be required. Because 22 feet is the minimum required width under SRC Chapter 806 for a two-way driveway serving non-residential uses, a one-way driveway of a lesser width serving residential uses appears to be supportable, but it is the applicant's burden to demonstrate that the adjustment meets the applicable adjustment approval criteria and the proposed width equally or better meets the intent of the driveway standard.*

*In addition to an adjustment to the minimum required driveway width, adjustments will also be required to certain other driveway approach standards included under SRC Chapter 804 (Driveway Approaches).*

*The Public Works Department will be able to assist you in identifying those other driveway approach standards that will need to be adjusted with the development proposal in order to facilitate the development.*

We acknowledge the location presents unique circumstances and believe these code adjustments proposed would result in a project that best utilizes the property for residential development which the land use zone intended with the least impact on surrounding properties. The existing Residential zoned property is along Liberty Road. Vehicular access will be limited and is strategically placed to promote traffic safety. The private shared one-way access loop limits the access onto Liberty Road to one location. The access from Liberty Road into the shared access is located approximately 480 feet from Mize Road outside of the existing bus stop and directly across from Idylwood Drive; this location complies with SRC 804.035(d). The access onto Liberty Road from the proposed private lane is located at the south end of the proposed subdivision serving all Lots with one access onto Liberty Road. These locations comply with SRC 804.035(a)(2)(A).

In an effort to comply with SRC 804.035(2)(A) and 804.045 a one-way shared access is proposed. However, a code adjustment is needed for the access regarding width (reducing to a one-way lane) and the location of the south site egress onto Liberty Road per SRC 804.035(d). In compliance with SRC 804.035(c)(3) it is not permissible to permit several residential driveways onto Liberty Road from the proposed subdivision. The shared access proposed locates the site ingress driveway south of the existing bus stop which is safer than locating the egress at this location. A site egress near the bus stop would have greater impact to overall roadway safety. The shared access as proposed limits the access entering Liberty Road to one location at the south end of the site.

SRC 804.050 requires a minimum width of 18 feet and SRC 806.030 requires a minimum width of 22 feet for a residential driveway serving this site. Unfortunately, no width standards for a one-way access are provided. However, section 804.050 of the code provides a one-way width standard for other land uses which we propose is applied to this residential site. The "*AASHTO Policy on Geometric Design of Highways and Streets*" provides geometric design standards for vehicle access. The proposed shared access geometry will comply with these standards and parking geometry standards of SRC 806.035(e) for maneuverability, access, and parking. The distance from the rear of each parking stall to the opposite side of the access lane are proposed to be the aisle width dimensions of Table 806-6. To facilitate turning maneuvers, additional access width will be provided at each of the two corners of the shared access lane to comply this AASHTO geometric standard. In no case will the proposed shared access lane be less than 12 feet.

The proposed shared access loop provides a view of street yards with less hardscaping and offers opportunity for future residences to provide streetscapes that are more attractive creating a gateway into the existing Sunnyslope Acres neighborhood. Additionally, a 5-foot wide landscape buffer will be provided along the proposed access adjacent to existing residential yards. Further, the proposed adjustments would allow for a safer access and limit potential traffic conflicts with mass transit.

Again, we believe the code adjustments requested would result in a project that best utilizes the property for residential development which the land use zone intended.

5. *A statement as to whether any City-recognized neighborhood associations whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result.*

The proposed subdivision was presented to the Sunnyslope Neighborhood Association during their meeting September 21<sup>st</sup>. The owner Brandon Fahlman discussed the proposed 5-lot subdivision with the association. No concerns were noted in the meeting minutes.

6. *A statement as to whether the Salem-Keizer Transit District was contacted in advance of filing the application; and if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact, who it was with, and the result.*

In an email dated 8/16/17 from Cherriots, Chris French, Senior Planner, stated that Cherriots has reviewed PRE-AP17-75 and wants to ensure that this does not interfere with their current bus stop at the north end of this proposed development. The proposed private lane is located south of the existing bus stop facility. As a result of discussion with City staff, the direction of travel into and out of the proposed one-way private access loop was reversed so as not to exit onto Liberty near the existing bus stop.

7. *A written statement addressing each applicable approval criterion and standard.*

Applicable approval criterion of SRC 205, 250, 808 and standards of SRC 86, 511, 800, and 802 through 810 are specifically addressed within this application submittal information.

**8. *Any additional information required under the UDC for the specific land use action sought.***

No additional information has yet been required for this land use application. All information required to comply with the UDC will be addressed.

**9. *Any additional information, as determined by the Planning Administrator, that may be required by another provision, or for any other permit elsewhere, in the UDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria.***

Information required by standards of SRC 86, 511, 800, and 802 through 810 are specifically addressed together with the decision criteria required by SRC 205, 250, and 808 which are provided herein.

**10. *Payment of the applicable application fee(s) pursuant to SRC 110.090.***

The fees required are included with this application.

## **DECISION CRITERIA in SRC 205**

Pursuant to SRC 205.010, SRC 205.025, and SCR 205.030 the applicant is presenting detailed information and addressing the applicable decision criteria. Please see the following code citations (*in italics*) followed by land use application responses.

### ***SUBDIVISION TENTATIVE PLAN***

#### ***SRC 205.010(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.***

The proposed tentative subdivision plan complies with these Lot standards.

***(B) City infrastructure standards.***

The proposed tentative subdivision plan complies with these infrastructure standards.

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

The proposed tentative subdivision plan seems to comply with these special development standards. The City Transportation System Plan identifies the adjacent street as a major arterial. The standard right of way width for this street classification is shown in the City Transportation System Plan as 48 feet from centerline. The existing right of way west of a survey record centerline varies, but is no less than 46 feet. This arterial standard right of way width west of centerline is close to the width of the existing right of way measured west from survey record centerline. Liberty Road is fully improved. The transportation elements provided in Liberty Road contain all elements shown for a major arterial in the City Transportation System Plan. These elements include setback sidewalks, bike lanes, 4 travel lanes and a center median. Therefore, we propose no additional/special setback be required. A special setback would be measured from a centerline which follows an approved corridor alignment. Any special setbacks required would be measured from a centerline designated by the Public Works Director per SRC 800.040(b), and if that exceed the existing width will be in addition to setback requirements of Table 511.030. Vision clearance requirements of SRC 805.005(b)(1)(A), SRC 805.005(b)(2)(A), and SRC 805.005(b)(3) for the driveway approaches to and from Liberty Road. Vision clearance requirements of SRC 805.010 will be provided as approved by the City.

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

The proposed tentative subdivision plan will not impede the future use or development of the property or adjacent land. This proposal would fully utilize the land for a residential subdivision and adjacent lands are fully developed.

*(3) Development within the tentative subdivision plan can be adequately served by City infrastructure.*

The site is well served by City infrastructure. The existing City sanitary sewer along Liberty Road is an 8-inch pipe with enough depth to serve the site. The existing City storm drain along Liberty Road is an 18-inch pipe with enough depth to serve the site. The City water main is located along Liberty Road with an existing fire hydrant approximately centered on the property frontage. Liberty Road is fully improved arterial.

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

No new public streets are proposed with this subdivision. Liberty Road is fully improved including all the transportation elements of the Major Arterial section shown in Figure 3-1 of page 3-7 of the 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.***

The existing Residential zoned property is along Liberty Road; however, vehicular access will be limited and is strategically placed to promote traffic safety. The private shared one-way access loop limits the access onto Liberty Road to one location. The access from Liberty Road into the shared access is located approximately 480 feet from Mize Road outside of the existing bus stop and directly across from Idylwood Drive; this location complies with SRC 804.035(d). The access onto Liberty Road from the proposed private lane is located at the south end of the proposed subdivision serving all Lots with one access onto Liberty Road. These locations comply with SRC 804.035(a)(2)(A). The private lane width and geometry will comply with the City standards in SRC 804.050(2) and applicable portions of Chapter 109 Division 006 of the Public Works Design Standards.

***(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.***

The full length of the site is presently served by existing bicycle lanes and public sidewalk which continues from the site in all directions. This existing infrastructure provides safe and convenient access to surrounding neighborhoods, and nearby commercial businesses such as Roth's Fresh Market, Heroes Tap House, U.S. Bank, Good Will, LB's Market & Deli, South Salem Cycleworks, Faye Wright Elementary School, Judson Middle School, Walgreens, Immanuel Lutheran School, and Queen of Peace Catholic Church.

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

The proposed development is expected to generate far less than 200 daily trips. Therefore, SRC 803.015(b)(1) does not require a Traffic Impact Analysis.

*(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.*

This plan proposes no vegetation requiring a variance. None of the existing trees are heritage trees nor are there any significant trees on site.

*(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.*

Several existing trees on the site fall inside the proposed shared access. Trees on proposed Lots are also located inside buildable areas and in the area of access and drainage improvements. Access to the subject property is limited by code. The proposed access complies with access limitations. Due to the access constraints and the property dimensions, trees must unfortunately be removed. Further, the Protective Covenants over this portion of the Sunnyslope Acres subdivision (Vol. 471, Pg 539) prohibit the construction of two story homes which places larger home foot prints on each Lot leaving less opportunity to preserve trees. Homes complying with these Protective Covenants must not exceed 1-1/2 stories in height. The best residential layout for public safety is proposed, but tree removal is necessary.

*(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.*

The proposed subdivision is located within the City limits with existing public infrastructure. An Urban Growth Preliminary Declaration is not applicable to the proposed development.

#### ***SUBDIVISION TENTATIVE PLAN***

#### ***SRC 205.025(d) CRITERIA***

*A tentative replat shall be approved if all of the following criteria are met:*

*(1) The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.*

This tentative replat does not propose vacation of any public street, or any recorded covenants or restrictions.

- (2) The tentative replat will not create nonconforming units of land or non-conforming development, or increase the degree of nonconformity in existing units of land or development.*

This tentative replat will not create nonconforming units of land or non-conforming development, or increase the degree of nonconformity in existing units of land or development.

- (3) The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.*

This tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.

- (4) The tentative replat complies with all applicable provisions of ORS Chapter 92.*

This tentative replat complies with all applicable provisions of ORS Chapter 92.

- (5) The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.*

This tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.

- (6) The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.*

All proposed Lots are directly adjacent to City street, water, sanitary sewer, and storm drainage facilities. The proposed access provides safe and convenient access to all Lots from Liberty Road South.

#### ***SUBDIVISION TENTATIVE PLAN***

##### ***SRC 205.030(d) ADDITIONAL SUBMITTAL REQUIREMENTS***

*Applications to subdivide, partition, or replat land shall include, in addition to the submittal requirements under SRC Chapter 300, the following:*

*(a) A tentative plan map, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:*

- (1) A title block on each sheet indicating the proposed subdivision or phased subdivision name, or, if available, the partition number; the names and addresses of the landowner; the names and addresses of the professional engineers or surveyors responsible for preparing the plan; date; and township, range and section of the subject property;*

- (2) Scale and north arrow;*
- (3) The location of all property lines within 50 feet of the perimeter of the subject property;*
- (4) The boundaries, dimensions, and area of each proposed lot or parcel;*
- (5) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the subject property;*
- (6) The location, width, curve radius, grade, and names of all proposed streets, flag lot accessway, and public accessways;*
- (7) The location of all existing and proposed easements;*
- (8) The location, dimensions, and use of all existing and proposed public areas, including, but not limited to, stormwater management facilities and detention facilities;*
- (9) The location, dimensions, and use of any existing buildings and structures on the subject property, indicating which will remain and which will be removed;*
- (10) The location of any canals, ditches, waterways, detention facilities, sewage disposal systems, and wells on the subject property, indicating which will remain and which will be removed or decommissioned;*
- (11) The location of any natural topographic features on the subject property, including, but not limited to, creeks, drainage ways as shown on the most recent USGS maps, wetlands as shown on the Local Wetland Inventory, and flood plains; and*
- (12) For subdivisions and phased subdivisions, site topography shown at 5-foot contour intervals, or 2-foot contour intervals for areas within a flood plain;*

This required map is provided with this land use application.

*(b) A current title report for the property;*

A current title report for the property is provided with this land use application.

*(c) A completed tree inventory on a form as provided by the Director and, if required under SRC Chapter 808 a Tree Conservation Plan;*

A Tree Conservation Plan is provided with this land use application. Decision criteria are addressed later in this narrative.

*(d) A geological assessment or geo-technical report, if required by SRC Chapter 810;*

The site is outside mapped landslide hazard areas mapped by DOGAMI. There are no known geological or geotechnical issues to address.

*(e) A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;*

The site design will utilize combined retention and flow control facilities as required by SRC 71 and Section 4 of the Public Works Design Standards. The existing overland flow of the site seems to generally be directed north-northeasterly across existing grass land. The proposed improvements include a storm drain pipe, stormwater conveyance swales, and a public stormwater retention infiltration basin. The proposed on-site stormwater system will be further refined during final design. Design calculations for pre-development flow will utilize data from Table 4D-6 of the Public Works Design Standards when required. Calculations for stormwater system design will comply with the Public Works Design Standards.

*(f) A schematic plan showing the location of existing and proposed City Infrastructure;*

A schematic plan showing the location of existing and proposed City Infrastructure is provided with this application.

*(g) For residentially zoned property, where the partition or subdivision will result in a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the location of lot or parcel lines and other details of layout, and demonstrating that future further division of the lot or parcel may readily be made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.*

No lots or parcels one-half acre or more will be created by the proposed plat. All proposed Lots are less than one-half acre.

*(h) For partitions of property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, a plan showing:*

*(1) The location of lot lines and other details of layout demonstrating that the further division and full development of the property to the urban densities allowed by the Comprehensive Plan may readily be made in conformance with the development standards of the UDC, and without interfering with the orderly extension and connection of adjacent streets.*

*(2) The approximate location of City infrastructure following full development to the urban densities allowed by the Comprehensive Plan.*

The proposed Lots will connect to the available City sanitary sewer.

*(i) For subdivisions and phased subdivisions:*

*(1) A completed trip generation estimate on forms provided by the City;*

The Trip Generation Form is completed and included with this application.

*(2) A Traffic Impact Analysis, if required under SRC Chapter 803; and*

The proposed development is expected to generate far less than 200 daily trips. Therefore, SRC 803.015(b)(1) does not require a Traffic Impact Analysis.

*(3) A statement from the County Surveyor approving the name of the subdivision or phased subdivision. (Ord No. 31-13)*

Marion County Surveyor's office approval of the proposed subdivision name (Sunnyslope Acres No.3) is included with this application. The proposed subdivision plat will bear the approved name.

## **DECISION CRITERIA in SRC 250**

Per SRC 250, the purpose of this Chapter is to provide a process to allow deviations from the development standards of the UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

Per SRC 250.005(B) *"A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent."*

Pursuant to SRC 250.005(c) the applicant is presenting detailed information and addressing the applicable decision criteria. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

### **ADJUSTMENTS**

#### **250.005(d)(2) CRITERIA.**

*An application for a Class 2 adjustment shall be granted if all of the following criteria are met:*

*(A) The purpose underlying the specific development standard proposed for adjustment is:*

- (i) Clearly inapplicable to the proposed development; or*
- (ii) Equally or better met by the proposed development.*

The existing Residential zoned property is along Liberty Road. Vehicular access will be limited and is strategically placed to promote traffic safety. The private shared one-way access loop limits the access onto Liberty Road to one location. The access from Liberty Road into the shared access is located approximately 480 feet from Mize Road outside of the existing bus stop and directly across from Idylwood Drive; this location complies with SRC 804.035(d). The access onto Liberty Road from the proposed private lane is located at the south end of the proposed subdivision serving all Lots with one access onto Liberty Road. These locations comply with SRC 804.035(a)(2)(A).

In an effort to comply with SRC 804.035(2)(A) and 804.045 a one-way shared access is proposed. However, a code adjustment is needed for the access regarding width (reducing to a one-way lane) and the location of the south site egress onto Liberty Road per 804.035(d). In compliance with SRC 804.035(c)(3) it is not permissible to permit several residential driveways onto Liberty Road from the proposed subdivision. The shared access proposed locates the site ingress driveway south of the existing bus stop which is safer than locating the egress at this location. A site egress near the bus stop would have greater impact to overall roadway safety. The shared access proposed limits the access entering Liberty Road to one location at the south end of the site.

SRC 804.050 requires a minimum width of 18 feet and SRC 806.030 requires a minimum width of 22 feet for a residential driveway serving this site. Unfortunately, no width standards for a one-way access are provided. However, section 804.050 of the code provides a one-way width standard for other land uses which we propose is applied to this residential site. The “*AASHTO Policy on Geometric Design of Highways and Streets*” provides geometric design standards for vehicle access. The proposed shared access will comply with these standards and parking geometry standards of SRC 806.035(e) for maneuverability, access, and parking. The distance from the rear of each parking stall to the opposite side of the access lane are proposed to be the aisle width dimensions of Table 806-6. To facilitate turning maneuvers, additional access width will be provided at each of the two corners of the shared access lane to comply this AASHTO geometric standard. In no case will the proposed shared access lane be less than 12 feet.

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

The proposed shared access loop provides a view of street yards with less hardscaping and offers opportunity for future residences to provide streetscapes that are more attractive creating a gateway into the existing Sunnyslope Acres neighborhood.

Additionally, a 5-foot wide landscape buffer will be provided along the proposed access adjacent to existing residential yards. Further, the proposed adjustments would allow for a safer access and limit potential traffic conflicts with mass transit.

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

The code adjustments requested would result in a project that best utilizes the property for residential development which the Land Use Zone intended.

## **DEVELOPMENT STANDARDS of SRC 86**

Per SRC 86, the purpose of this Chapter is to provide “*a unified, consistent, and efficient means for the planning, planting, maintenance, and removal of trees located on City property and to limit the adverse impacts to City trees and City infrastructure.*” Please see the following code citations (*in italics*) followed by land use application responses.

### ***86.050 Activities Requiring Permits.***

***(a) A permit is required for the following activities:***

***(1) Permit Required to Prune or Remove City Trees or Tree Protection Devices. It shall be unlawful for any person, without a written permit from the Director, to prune or remove a City tree, or to remove a tree protection device from a City tree, or cause or authorize or procure any person to do so. The Director may, by administrative rule, develop criteria for City tree pruning that does not require a permit where the Director finds the actions are minor and are unlikely to cause damage to the City tree.***

The proposed shared access will require the removal of one City street tree believed to be a Fruitless Mulberry tree. A City tree removal permit will be applied for if required in addition to this land use application and the proposed Tree Conservation Plan approval.

***(2) Permit Required for Construction within Critical Tree Zone of City Trees. It shall be unlawful for any person, without a written permit from the Director, to undertake or cause or authorize or procure any person to undertake any construction activity within the Critical Tree Zone of City trees.***

Any construction activity proposed within the Critical Tree Zone of each City street tree will not commence unless authorized by the City as required by SRC 86.050(2).

**86.090 City Tree Removal Criteria.**

*(a) A permit to remove a City tree may be granted if one or more of the following criteria are met, as determined by the Director:*

*(8) The Director may permit the removal of a City tree due to construction if there is no reasonable alternative. The applicant shall be required to bear all cost of the tree's removal and replacement.*

Based on the requirements of the overall site design limitations and best interest of public safety, the proposed driveway location seems necessary. This proposal requires removal of one City street tree as shown on the proposed Tree Conservation Plan.

**DEVELOPMENT STANDARDS of SRC 511**

Per SRC 511, the purpose of the Single Family Residential (RS) zone is to *“implement the Single Family Residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RS zone generally allows Single Family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area.”* Please see the following code citations (*in italics*) followed by land use application responses.

***511.010. Development Standards. 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.***

The proposed Lots meet or exceed the 4,000 sq. ft. minimum Lot area requirements for single family properties.

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

The applicant acknowledges proposed buildings will meet or exceed the minimum building setback requirements for residential structures on the proposed properties per Table 511-3 of SRC 511.010(b). Setbacks abutting Liberty Road will be a minimum of 20 feet as required unless additional setback is required per SRC 800.040.

***(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.***

The applicant acknowledges proposed buildings will not exceed the maximum Lot coverage and height requirements of Table 511-4 of SRC 511.010(c).

*(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.*

The applicant acknowledges any proposed accessory structures will not exceed the maximum aggregate total area indicated in Table 511-5 of SRC 511.010(d).

*(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 paragraph 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.*

The applicant acknowledges all proposed homes will comply with SRC 511.010(e) with respect to garages.

*(f) Development Standards for Continued Uses.*

This section of City code is considered not applicable to this proposal.

*511.015. Other Provisions. In addition to the standards set forth in this Chapter, development within the RS zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:*

*(a) Trees and Shrubs SRC Chapter 86*

*(b) Wireless Communications Facilities SRC Chapter 703*

*(c) General Development Standards SRC Chapter 800*

*(d) Public Improvements SRC Chapter 802*

*(e) Streets and Right-of-Way Improvement SRC Chapter 803*

- (f) Driveway Approaches SRC Chapter 804*
- (g) Vision Clearance SRC Chapter 805*
- (h) Off-Street Parking, Loading, and Driveways SRC Chapter 806*
- (i) Landscaping and Screening SRC Chapter 807*
- (j) Preservation of Trees and Vegetation SRC Chapter 808*
- (k) Wetlands SRC Chapter 809*
- (l) Landslide Hazards SRC Chapter 810*
- (m) Sign Code SRC Chapter 900*

The applicant acknowledges the proposed development will comply with SRC 511.015 with respect to all other applicable development standards of the City of Salem Unified Development Code.

## **DEVELOPMENT STANDARDS of SRC 800**

Per SRC 800, *“The purpose of this Chapter is to establish certain standards that apply generally to development throughout the City, regardless of zone.”* Please see the following code citations (*in italics*) followed by land use application responses.

### ***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.*

Proposed buildings will be entirely located on a lot. Side Lot lines are run at right angles to the street as far is practical.

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

No flag lots are proposed.

***800.030. Hillside Lots. Hillside lots may, at the option of the developer or owner, meet the standards set forth in this section, in lieu of the standards applicable in the zone.***

No hillside lots are proposed.

**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.*

Required setbacks will be unobstructed except as permissible per SRC and the permitted projections listed in Table 800-2.

**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 Public Works 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.*

Any special setbacks required from the centerline designated by the Public Works Director will be in addition to setback requirements of Table 511.030.

**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.*

All buildings and structures will comply with height requirements of SRC 800.045 measured as directed by SRC 112.035.

*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, "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.*

Any proposed fences, walls, hedges, gates, and retaining walls will comply with this section of code including material type, density, height, and location. No gates shall be allowed to swing into public right of way. All vision clearance requirements of SRC 805 shall be met.

*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 1 cubic yard or larger is proposed; and*

*(2) Any change to an existing solid waste service area for receptacles of 1 cubic yard or larger that requires a building permit.*

*(3) Vertical Clearance.*

*(A) Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.*

*(B) Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing.*

Solid waste, recycling, and compostable receptacles of 1 cubic yard or larger are not proposed for this residential development. An unobstructed vertical clearance of no less than 8 feet shall be provided.

*(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 12 feet in width. Vehicle operation areas shall be made available in front of every receptacle,*

*or, in the case of multiple receptacles within an enclosure, in front of every enclosure opening.*

A solid waste service vehicle operation area that is free of obstructions and no less than 45 feet in length and 12 feet in width will be made available in front of every receptacle.

*(B) For solid waste service areas having receptacles of 2 cubic yards or less, the vehicle operation area may be located:*

*(i) Directly in front of the permanent location of the receptacle; or*

*(ii) 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.*

A vehicle operation area will be provided either directly in front of the receptacle or 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 or driveway, 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.*

If the solid waste disposal vehicle operation area is located in the driveway, it will be kept clear of parked vehicles and other obstructions to provide the 12-foot wide lane required per this code section via use of “no parking” signs or pavement markings.

*(D) 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, designed and constructed pursuant to the Public Works Design Standards, shall be required to allow safe and convenient access for collection service.*

Access to the vehicle operation area will be a direct approach into position for operation of the service vehicle

*(2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.*

Waste collection service vehicles will not be required to back onto a public street or leave the premises.

*(3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Public Works Director, and shall be adequately designed, graded, and drained to the approval of the Public Works Director.*

Vehicle operation areas will be paved with asphalt, concrete, or other hard surfacing approved by the Public Works Director, and will be adequately designed, graded, and drained to the approval of the Public Works Director.

*(4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.*

If the solid waste disposal vehicle operation area is located in the driveway, it will be kept clear of parked vehicles and other obstructions to provide the 12-foot wide lane required per this code section via use of "no parking" signs or pavement markings.

*(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.*

No variances or adjustments to the standards set forth in this section are proposed.

## **DEVELOPMENT STANDARDS of SRC 802**

Per SRC 802, the purpose of this Chapter is to establish the means and standards whereby public improvements are provided for development within the City. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

*802.010. Design Standards and Specifications. The Public Works 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 Public Works 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.*

Any public improvements required for this proposed development will conform to the requirements of this standard and specifications per this code section.

*802.015. Development to be Served by City Utilities. Except as provided under SRC 802.035 and SRC 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.*

This 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.

*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 10 feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.*

All easements necessary and required will comply with this code section.

*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.*

All utilities will be provided underground as required by this code. Stormwater management will be proposed as a combination of underground pipes, above ground swales and retention.

*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, 10 feet from the top of a recognizable bank, or a sufficient width to pass 10-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.*

There are no water courses within the proposed subdivision.

**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.*

All areas of the proposed subdivision will be serviceable by the City sanitary sewer system.

**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 submetered 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.*

All private stormwater, wastewater, or water systems proposed will be submitted for approval to the Director.

## DEVELOPMENT STANDARDS of SRC 803

Per SRC 803, The purpose of this Chapter is to establish standards for streets and other improvements within public right-of-way in the City. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

*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.*

*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.*

Daily trips from the proposed 5 single family residential Lots are expected to 50 trips per average week day.

*(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.*

The traffic generated by this proposed development will be very small. We are not aware of existing traffic problems documented by the City that need addressed by this land use proposal.

*(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.*

The traffic generated by this proposed development will be very small. Changes to levels of service are less than significant.

*(c) 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.*

**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. (Ord No. 31-13)*

**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.*

*(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.*

*(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.*

No public streets are proposed. The proposal contains sufficient site access and proposes limited access to the public street. We believe the proposed shared driveway complies with the standards set forth in this section of code and will include the required covenants, conditions, and restrictions.

### ***803.030. Street Spacing.***

No public streets are proposed.

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

Several street trees exist along the site frontage. Street trees will comply with this section of code. Any required street trees will be planted in compliance with SRC 86.

### ***(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 1-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 location required by this subsection, a different location may be allowed.*

*(C) Except as otherwise provided in this paragraph, all sidewalks shall be a minimum of 5 feet in width.*

*(D) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of 8 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 4-foot wide clearance around street lights,*

*signs, mailboxes, and other streetscape facilities.*

Sidewalk exists along the perimeter of the site. Any work within the public right of way will comply with this code section and all applicable City standards.

***(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.***

Salem Transportation System Plan standards for Liberty Road include bicycle lanes. Liberty Road presently provides all elements of this standard including bicycle lanes, 4 travel lanes, and a median.

***(n) Utility Easements. Public utility easements may be required for all streets. Unless otherwise specified by the Public Works Director, public utility easements shall be a minimum of 10 feet in width on each side of the right-of-way.***

Required utility easements will be provided.

***(o) Street Lights. 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 street lights 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.***

Any improvements required by the City per this code section will be provided.

***(p) Landscape Strips. Landscape strips for signs, street lights, and shade trees shall be provided that conform to the Public Works Design Standards.***

Landscape strips exist along the perimeter of the site.

***(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.***

Landscaping exists within the right of way along the perimeter of the site. Any additional landscaping identified by the City will be provided to meet this code standard.

*(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 66.*

This code section seems not to apply to this site.

**803.040. Boundary Streets.**

This code section seems not to apply to this site.

**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.*

This code section seems not to apply to this site.

**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.*

The proposed subdivision includes a shared private access with residences parking on each separate Lot. All required traffic control will be provided per this code section.

**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.*

No public streets are proposed.

**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.*

No alternative public streets are proposed.

**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.*

This section of code seems not to apply to the proposed subdivision as the boundary streets are improved.

*(2) Sidewalks.*

This section of code seems not to apply to the proposed subdivision as the perimeter sidewalks already exist.

**DEVELOPMENT STANDARDS of SRC 804**

Per SRC 804, The purpose of this Chapter is to establish development standards for safe and efficient access to public streets. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

**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.*

An approach permit will be obtained prior to construction of proposed driveways.

***804.020. Class 1 Driveway Approach Permit.***

This section of code seems not to apply to the proposed subdivision as Liberty Road is classified as an arterial street.

***804.025. Class 2 Driveway Approach Permit.***

*(a) 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 or Two 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.*

In addition to the information provided in this detailed narrative, a site plan is provided with this proposal indicating access location and dimensions. The site presently includes no improvements or existing conditions that prevent the proposed driveway locations. The number of approaches are minimized and shared, which are illustrated on the site and the proposed subdivision tentative plat. Vision clearance requirements are easily met with height restrictions set by SRC. The proposed driveway locations were selected in an effort to create the safest access and turning movements at the most desirable location. The traffic to and from the proposed small subdivision will not have a significant adverse impact to the vicinity. Street trees are avoided by the proposed access except for one street tree at the south end of the transit stop. However, the proposed driveway approach minimize impact to the functionality of adjacent streets and intersections. Therefore, the proposed driveway approaches balance any adverse impacts to residentially zoned property and the functionality of adjacent streets.

#### ***804.030. Access Onto Local and Collector Streets.***

This section of code seems not to apply to the proposed subdivision. Access to Mize Road is not practical.

**804.040. Access Onto Parkways.**

This section of code seems not to apply to the proposed subdivision.

**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.*

The proposed shared access is necessary to mitigate traffic impacts or eliminate safety concerns. The shared access will conform to this Chapter and applicable Public Works Design Standards, and will be provided by permanent irrevocable easements that are recorded at Marion County.

**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 and Two Family Uses. Driveway approaches serving Single Family and Two Family uses shall conform to the minimum and maximum widths set forth in Table 804-1.*

*(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.*

Driveways for each home will conform to the minimum and maximum width standards of this code section unless otherwise approved by the City.

*(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.*

Driveways for each home will conform to the standards of this code section unless otherwise approved by the City.

***804.055. Driveway Approach Relocation, Reconstruction, and Maintenance.***

This section of code seems not to apply to the proposed subdivision.

**DEVELOPMENT STANDARDS of SRC 805**

Per SRC 805, 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. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

***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.***

***(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 10-foot legs along each side of the driveway, and 10-foot legs along the intersecting street or alley (see Figure 805-4).***

The vision clearance areas adjacent to the shared access approaches along Liberty Road as required by this code section will not be obstructed.

***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 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.*

The vision clearance areas adjacent to the shared access approaches along Liberty Road as required by this code section will not be obstructed.

*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.*

The vision clearance areas adjacent to the shared access approaches along Liberty Road as required by this code section will not be obstructed. No alternative standard is proposed at this time.

## **DEVELOPMENT STANDARDS of SRC 806**

Per SRC 806, The purpose of this Chapter is to establish standards for off-street parking and vehicle use areas, bicycle parking, loading areas, and driveways. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

**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.

The off-street parking will be located on the same Lot it serves.

**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.

The off-street parking will be no less than 2 spaces located on the same Lot it serves.

**(d) Maximum Off-Street Parking.** Unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2.

The off-street parking will be no more than 2.5 times the minimum number of spaces required by SRC 806.015(a).

**(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 10 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.

No reductions to the required parking are proposed at this time.

**806.020. Method of Providing Off-Street Parking.**

**(a) 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;

*(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.*

The off-street parking will be located on the same Lot it serves.

*806.025. Off-Street Parking and Vehicle Storage Area Development Standards for Single Family and Two Family Uses or Activities. Unless otherwise provided under the UDC, off-street parking and vehicle storage areas for Single Family and Two 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.*

*(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.*

*(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 screened off-street parking area; or*

*(iii) A screened vehicle storage area.*

*(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.*

*(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 6-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 6-foot-tall sight-obscuring fence, wall, or hedge.*

The off-street parking will be located on the same Lot it serves and comply with the requirements of this code section. Individual homes and house plot layouts will vary with regard to specific configuration.

*806.030. Driveway Development Standards for Single Family and Two Family Uses or Activities. Unless otherwise provided under the UDC, driveways for Single Family and Two 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 10 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.*

The off-street parking will comply with the requirements of this code section. Individual homes and house plot layouts will vary with regard to specific configuration. The shared private access is proposed as a one-way single lane paved driveway.

## **DEVELOPMENT STANDARDS of SRC 807**

Per SRC 807, 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. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

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

***(a) Landscaping Types. Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.***

***(b) Plant Materials and Corresponding Plant Unit Values. Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials shall provide for a minimum 75 percent coverage of required landscaped areas within 5 years.***

***(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 10 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, 2 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, 2 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.*

*(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 6 feet in height. Landscaping shall be of a species that will attain a height of at least 6 feet within 3 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 3 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 6 months after dying or becoming diseased to the point that required opacity can no longer be maintained.*

*(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 3 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.*

Existing trees will be removed only per the tree conservation plan as approved by the City. Each home site will be developed to comply with this code section as each home plan is laid out for each Lot. The Developer acknowledges landscape requirements and will comply with this code section. The applicant has proposed a limited density project which has the least impact on surrounding properties. Due to the project site

access and house plan constraints, the applicant has designed a project that best utilizes the property. Access to the subject property is limited by code. The proposed access complies with access limitations. Further, the Protective Covenants over this portion of the Sunnyslope Acres subdivision (Vol. 471, Pg 539) prohibit the construction of two-story homes. Because homes may not exceed 1-1/2 stories in height, the applicant does not have the ability to reduce impacts to existing trees and vegetation by building homes with a smaller footprint. Wherever possible, the Developer will make every effort to save existing trees and vegetation.

***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 5 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 paragraph (8) of this subsection, 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 2-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.***

*807.025. Plant Material Standards. All plant materials shall be, up installation, vigorous and wellbranched, with healthy and well-furnished root systems free of disease, insects, pests, and injuries.*

*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.*

Landscaping will comply with this code section. Existing trees will be removed only per the tree conservation plan as approved by the City. Each home site will be developed to comply with this code section as each home plan is laid out for each Lot.

*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.*

*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 2 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 2-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a 2-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 2-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a 2-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.*

*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.*

**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.*

**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.*

Landscaping and any required screening will comply with this code section. Existing trees will be removed only per the tree conservation plan as approved by the City. Each home site will be developed to comply with this code section as each home plan is laid out for each Lot. The landscape plan for each Lot will be submitted with the building permit application as required by this code section.

## **DEVELOPMENT STANDARDS of SRC 808**

Per SRC 808, 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. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

### ***808.010. Heritage Trees.***

***(a) Designation of Heritage Trees.*** *The City 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 City Council shall rescind a Heritage Tree designation if the tree has been removed pursuant to subsection (b) of this section.*

No heritage trees exist on the subject property.

***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.*

There are no rare, threatened, or endangered trees of any size, identified on the subject property. Nor are there any Oregon white oaks (*Quercus garryana*) on the subject property. One tree with a dbh of approximately 11" located in the Liberty Road right of way may be an Oregon white oak. This tree will not be affected by the proposed development.

### ***808.020. Trees and Native Vegetation in Riparian Corridors.***

This section of code seems not to apply to the proposed subdivision. There are no riparian corridors on the subject property.

### ***808.030. Tree and Vegetation Removal Permits.***

***(a) Applicability.***

*(1) Except as provided in paragraph (2) of this subsection, 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:*

*(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;*

A tree conservation plan is provided with this land use application. Trees shown as removed are necessary for the proposed single family residential development.

#### *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 2-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.*

Please see the tree conservation plan provided with this land use application.

*(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.*

No heritage or significant trees are proposed for removal. There is no riparian corridor on the subject property. Existing trees will be removed only per the tree conservation plan as approved by the City. Each home site will be developed to comply with this code section as each home plan is laid out for each Lot. The applicant has proposed a limited density project which has the least impact on surrounding properties. Due to the project site access and house plan constraints, the applicant has designed a project that best utilizes the property. Access to the subject property is limited by code. The proposed access complies with access limitations. Further, the Protective Covenants over this portion of the Sunnyslope Acres subdivision (Vol. 471, Pg 539) prohibit the construction of two-story homes. Because homes may not exceed 1-1/2 stories in height, the applicant does not have the ability to reduce impacts to existing trees and vegetation by building homes with a smaller footprint. Wherever possible, the Developer will make every effort to save existing trees and vegetation.

*(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 paragraph (1) of this subsection, 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.*

All trees and native vegetation designated for preservation under the tree conservation plan will be marked and protected during construction. No heritage trees or significant trees exist on the subject property. Protection measures will 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.*

Each lot or parcel within the development proposal will 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.*

The applicant acknowledges that the proposed tree conservation plan will remain valid as long as the development proposal remains valid.

**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.*

Additional trees will be planted if an insufficient number of existing trees remain due to any approved removal for residential development.

**DEVELOPMENT STANDARDS of SRC 809**

Per SRC 809, The purpose of this Chapter is to identify those wetlands located within the City of Salem which are significant and non-significant, and to establish the foundation for a wetlands protection program that will provide for the long-term protection of wetlands within the City of Salem.

Per the Pre-application conference case No. PRE-AP17-75, City staff reports there are no mapped wetlands located on the subject property according to the Salem-Keizer Local Wetland Inventory. Further, no wetlands were found on the National Wetlands Mapper.

## DEVELOPMENT STANDARDS of SRC 810

Per SRC 810, the purpose of this Chapter is to implement the Geologic Hazards policy of the Scenic and Historic Areas, Natural Resources, and Hazards section of the Salem Area Comprehensive Plan and to promote the public health, safety and welfare by:

- (a) Assessing the risk that proposed uses or activities will adversely affect the stability and slide susceptibility of an area;
- (b) Establishing standards and requirements for the use and development of land within landslide hazard areas; and
- (c) Mitigating risk within landslide hazard areas.

Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

***810.005. Applicability. This chapter applies to all areas of land designated as Moderate Landslide Hazard Risk or High Landslide Hazard Risk pursuant to this Chapter.***

Per the Pre-application conference case No. PRE-AP17-75, City staff reports the subject property does not contain any mapped landslide hazard susceptibility points according to the City's adopted landslide hazard susceptibility maps. This seems confirmed by Oregon DOGAMI Statewide Geohazards Viewer.

## EXHIBIT A – LAND USE APPLICATION NARRATIVE

### SUNNYSLOPE No. 3 SUBDIVISION (Revised 12/20/17)

#### GENERAL INFORMATION

**NATURE OF REQUEST:** Application for 5 Lot single family subdivision and a tract for storm retention on a 0.99-acre property adjacent to the southwest corner of Liberty Road Southeast and Mize Road South. The request is to develop the land including:

- ❖ Creating 5 single family residential Lots
- ❖ Various site improvements
  - Storm drainage and retention facilities
  - Shared one-way paved private access road
  - Required site vegetation

**APPLICANT:** Jed Bennett/Steve Bennett Construction  
1430 Glory Ridge Court NW  
Salem, Oregon 97304

**OWNER:** Brandon & Whitney Fahlman  
974 Terrace Drive NW  
Salem, Oregon 97304

**PROPERTY LOCATION:** On the west side of Liberty Road Southeast, south of the intersection with Mize Road South. (Tax Lot 4400 of Map 8S-3W-9AB).

**COMP. PLAN DESIGNATION:** Single Family Residential (SFR)

**ZONING DESIGNATION:** Single Family Residential (RS)

**CURRENT LAND USE:** Vacant

## **BACKGROUND**

The subject property is approximately 0.99 acres located on the west side of Liberty Road Southeast, south of the intersection with Mize Road South. The property was 7 single-family Lots of the Sunnyslope Acres Subdivision prior to the replat in 2006. The property is currently vacant. The Zoning designation for the property is Single Family Residential (RS). The basic land use classification proposed conforms with this Zoning designation.

The subject property is well located for this residential subdivision. The subject property is bordered on the south and west sides by Single Family Residential and also on the north side across Mize Road by Single Family Residential zoned land. The site has adequate frontage on Liberty Road, with a shared drive loop allowing for safe and convenient access to and from the property. The subject property is bordered on the east side across Liberty Road by Commercial Office zoned land. These adjacent properties along all sides are fully developed.

## **PROPOSAL**

This proposal includes an application for a Subdivision under the provisions of SRC 205, an Adjustment under the provisions of SRC 806 and 804, a Tree Conservation Plan per SRC 808, and a Driveway Approach Permit per SRC 804. The applicant was guided by City of Salem Planning Department staff to process the planning application through these processes as prescribed by Salem Revised Code.

The infrastructure required for the project will be constructed and funded by the applicant. The infrastructure improvements include the following:

- ❖ Onsite storm drainage utility improvements including storm pipes, stormwater conveyance swales, and a public retention pond
- ❖ Sanitary sewer and water services from Liberty Road to each Lot
- ❖ Shared paved private site access

The applicant acknowledges the purpose of the City of Salem Unified Development Code is to:

- ❖ Promote and protect the health, safety, and general welfare of the public;
- ❖ Provide for the orderly growth and development of the City;
- ❖ Ensure an appropriate mix of land uses to provide for the economic and social benefits which result from the orderly, planned use of land;
- ❖ Ensure the provision of adequate public facilities and services;
- ❖ Allow for adequate open space;
- ❖ Protect property from risks and dangers;

- ❖ Preserve and restore historic resources;
- ❖ Preserve and enhance environmental resources, the natural scenic beauty of the area, and aesthetic qualities of the community.

The applicant further acknowledges this code identifies the specific submittal requirements, the applicable review procedure types, and the approval criteria for various types of land use and development review applications. All of these provisions and exceptions to provisions are determined through the land use decision process for the proposed use.

## **REQUIRED APPLICATION MATERIALS**

Pursuant to SRC 300.210, the applicant is presenting detailed information with the application to allow for a review to be performed. Please see the following code citations (*in italics*) followed by land use application responses.

### ***SRC 300.210 APPLICATION SUBMITTAL***

***(a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.***

***1. A completed application form.***

The application is completed and submitted for review.

***2. Recorded deed/land sales contract with legal description.***

The property deed is attached for your review.

***3. Any information that would give rise to an actual or potential conflict of interest under State or local ethics laws for any member of a Review Authority that will or could make a decision on the application.***

The applicant has no knowledge of any actual or potential conflict of interest with the review authority that will or could make a decision on the application. However, the applicant acknowledges Sally Cook is a City Council member and is active in the Sunnyslope Neighborhood Association.

**4. Pre-application conference written summary, if a pre-application conference was required under SRC 300.310(a) and Table 300-100-2; or copy of the approved pre-application conference waiver, if such approval was granted pursuant to SRC 300.310(b).**

Per Table 300-100-2, a pre-application meeting is not required for the proposed subdivision and tree conservation plan. However, the pre-application meeting was required for the proposed Class 2 Adjustment for the proposed shared single-lane private driveway. The City response to the proposal (Pre-Application Conference Case No. PRE-AP17-75) was as follows:

**Proposed Vehicular Access**

*Due to the shallow depth of the subject property, existing development to the north, south, and west, and access limitations from the individual lots onto Liberty Road South, access to the proposed development is proposed to be provided by a separate shared private driveway.*

*At the pre-application conference different methods were discussed for the creation of the proposed shared private access. Options considered included developing the subject property as a PUD with a reduced-width private street or subdivision with a private flag lot accessway or driveway.*

*A PUD would allow for the creation of a private street through approval of an alternative street standard of a narrower width. The proposed access could also be created through a subdivision with a shared private access. Because the proposed lots front on Liberty Road SE and are not flag lots, the private shared access could not be created as a flag lot accessway. The access could, however, be created as a private shared driveway access.*

*Pursuant to City's off-street parking chapter (SRC Chapter 806), specifically SRC 806.030(b), the minimum required width for driveways serving three or more parking spaces is 22 feet. The proposed plan shows a 12-foot-wide one-way driveway within a 22-foot-wide easement. The 12-foot-wide driveway proposed is in response to a discussion from a previous pre-application conference that indicated a 12-foot width as potentially being possible.*

*At the previous pre-application conference it was explained that the narrowest acceptable width for the one-way access was 12 feet. Twelve feet was identified because 12 feet is the minimum width identified under SRC Chapter 806 (Off-Street Parking, Loading, & Driveways) for a one-way driveway serving uses other than Single Family and Two Family. However, comments from the Fire Department indicated that, although they would not necessarily need to use the private street because the lots will have frontage on Liberty Road, a wider width would be preferable. As such, a potential width of 15 feet was later discussed, along with a required 5-foot landscape strip between the pavement and the abutting properties to the west.*

*At this most recent pre-application conference the possibility of improving the one way access to a width greater than 12 feet was again discussed. One possibility discussed was improving the access to a width of 15 feet with a 5-foot-wide landscape strip within a 20-foot-wide easement. Another possibility discussed was improving the access to a width of 17 feet with a 5-foot-wide landscape strip within a 22-foot-wide easement.*

*In order for the proposed driveway width to be less than the 22 feet required under SRC Chapter 806, an adjustment will be required. Because 22 feet is the minimum required width under SRC Chapter 806 for a two-way driveway serving non-residential uses, a one-way driveway of a lesser width serving residential uses appears to be supportable, but it is the applicant's burden to demonstrate that the adjustment meets the applicable adjustment approval criteria and the proposed width equally or better meets the intent of the driveway standard.*

*In addition to an adjustment to the minimum required driveway width, adjustments will also be required to certain other driveway approach standards included under SRC Chapter 804 (Driveway Approaches).*

*The Public Works Department will be able to assist you in identifying those other driveway approach standards that will need to be adjusted with the development proposal in order to facilitate the development.*

We acknowledge the location presents unique circumstances and believe these code adjustments proposed would result in a project that best utilizes the property for residential development which the land use zone intended with the least impact on surrounding properties. The existing Residential zoned property is along Liberty Road. Vehicular access will be limited and is strategically placed to promote traffic safety. The private shared one-way access loop limits the access onto Liberty Road to one location. The access from Liberty Road into the shared access is located approximately 480 feet from Mize Road outside of the existing bus stop and directly across from Idylwood Drive; this location complies with SRC 804.035(d). The access onto Liberty Road from the proposed private lane is located at the south end of the proposed subdivision serving all Lots with one access onto Liberty Road. These locations comply with SRC 804.035(a)(2)(A).

In an effort to comply with SRC 804.035(2)(A) and 804.045 a one-way shared access is proposed. However, a code adjustment is needed for the access regarding width (reducing to a one-way lane) and the location of the south site egress onto Liberty Road per SRC 804.035(d). In compliance with SRC 804.035(c)(3) it is not permissible to permit several residential driveways onto Liberty Road from the proposed subdivision. The shared access proposed locates the site ingress driveway south of the existing bus stop which is safer than locating the egress at this location. A site egress near the bus stop would have greater impact to overall roadway safety. The shared access as proposed limits the access entering Liberty Road to one location at the south end of the site.

SRC 804.050 requires a minimum width of 18 feet and SRC 806.030 requires a minimum width of 22 feet for a residential driveway serving this site. Unfortunately, no width standards for a one-way access are provided. However, section 804.050 of the code provides a one-way width standard for other land uses which we propose is applied to this residential site. The “*AASHTO Policy on Geometric Design of Highways and Streets*” provides geometric design standards for vehicle access. The proposed shared access geometry will comply with these standards and parking geometry standards of SRC 806.035(e) for maneuverability, access, and parking. The distance from the rear of each parking stall to the opposite side of the access lane are proposed to be the aisle width dimensions of Table 806-6. To facilitate turning maneuvers, additional access width will be provided at each of the two corners of the shared access lane to comply this AASHTO geometric standard. In no case will the proposed shared access lane be less than 12 feet.

The proposed shared access loop provides a view of street yards with less hardscaping and offers opportunity for future residences to provide streetscapes that are more attractive creating a gateway into the existing Sunnyslope Acres neighborhood. Additionally, a 5-foot wide landscape buffer will be provided along the proposed access adjacent to existing residential yards. Further, the proposed adjustments would allow for a safer access and limit potential traffic conflicts with mass transit.

Again, we believe the code adjustments requested would result in a project that best utilizes the property for residential development which the land use zone intended.

5. ***A statement as to whether any City-recognized neighborhood associations whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result.***

The proposed subdivision was presented to the Sunnyslope Neighborhood Association during their meeting September 21<sup>st</sup>. The owner Brandon Fahlman discussed the proposed 5-lot subdivision with the association. No concerns were noted in the meeting minutes.

6. ***A statement as to whether the Salem-Keizer Transit District was contacted in advance of filing the application; and if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact, who it was with, and the result.***

In an email dated 8/16/17 from Cherriots, Chris French, Senior Planner, stated that Cherriots has reviewed PRE-AP17-75 and wants to ensure that this does not interfere with their current bus stop at the north end of this proposed development. The proposed private lane is located south of the existing bus stop facility. As a result of discussion with City staff, the direction of travel into and out of the proposed one-way private access loop was reversed so as not to exit onto Liberty near the existing bus stop.

7. ***A written statement addressing each applicable approval criterion and standard.***

Applicable approval criterion of SRC 205, 250, 808 and standards of SRC 86, 511, 800, and 802 through 810 are specifically addressed within this application submittal information.

**8. Any additional information required under the UDC for the specific land use action sought.**

No additional information has yet been required for this land use application. All information required to comply with the UDC will be addressed.

**9. Any additional information, as determined by the Planning Administrator, that may be required by another provision, or for any other permit elsewhere, in the UDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria.**

Information required by standards of SRC 86, 511, 800, and 802 through 810 are specifically addressed together with the decision criteria required by SRC 205, 250, and 808 which are provided herein.

**10. Payment of the applicable application fee(s) pursuant to SRC 110.090.**

The fees required are included with this application.

## **DECISION CRITERIA in SRC 205**

Pursuant to SRC 205.010, SRC 205.025, and SCR 205.030 the applicant is presenting detailed information and addressing the applicable decision criteria. Please see the following code citations (*in italics*) followed by land use application responses.

### ***SUBDIVISION TENTATIVE PLAN***

#### ***SRC 205.010(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.***

The proposed tentative subdivision plan complies with these Lot standards.

***(B) City infrastructure standards.***

The proposed tentative subdivision plan complies with these infrastructure standards.

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

The proposed tentative subdivision plan seems to comply with these special development standards. The City Transportation System Plan identifies the adjacent street as a major arterial. The standard right of way width for this street classification is shown in the City Transportation System Plan as 48 feet from centerline. The existing right of way west of a survey record centerline varies, but is no less than 46 feet. This arterial standard right of way width west of centerline is close to the width of the existing right of way measured west from survey record centerline. Liberty Road is fully improved. The transportation elements provided in Liberty Road contain all elements shown for a major arterial in the City Transportation System Plan. These elements include setback sidewalks, bike lanes, 4 travel lanes and a center median. Therefore, we propose no additional/special setback be required. A special setback would be measured from a centerline which follows an approved corridor alignment. Any special setbacks required would be measured from a centerline designated by the Public Works Director per SRC 800.040(b), and if that exceed the existing width will be in addition to setback requirements of Table 511.030. Vision clearance requirements of SRC 805.005(b)(1)(A), SRC 805.005(b)(2)(A), and SRC 805.005(b)(3) for the driveway approaches to and from Liberty Road. Vision clearance requirements of SRC 805.010 will be provided as approved by the City.

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

The proposed tentative subdivision plan will not impede the future use or development of the property or adjacent land. This proposal would fully utilize the land for a residential subdivision and adjacent lands are fully developed.

***(3) Development within the tentative subdivision plan can be adequately served by City infrastructure.***

The site is well served by City infrastructure. The existing City sanitary sewer along Liberty Road is an 8-inch pipe with enough depth to serve the site. The existing City storm drain along Liberty Road is an 18-inch pipe with enough depth to serve the site. The City water main is located along Liberty Road with an existing fire hydrant approximately centered on the property frontage. Liberty Road is fully improved arterial.

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

No new public streets are proposed with this subdivision. Liberty Road is fully improved including all the transportation elements of the Major Arterial section shown in Figure 3-1 of page 3-7 of the 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.***

The existing Residential zoned property is along Liberty Road; however, vehicular access will be limited and is strategically placed to promote traffic safety. The private shared one-way access loop limits the access onto Liberty Road to one location. The access from Liberty Road into the shared access is located approximately 480 feet from Mize Road outside of the existing bus stop and directly across from Idylwood Drive; this location complies with SRC 804.035(d). The access onto Liberty Road from the proposed private lane is located at the south end of the proposed subdivision serving all Lots with one access onto Liberty Road. These locations comply with SRC 804.035(a)(2)(A). The private lane width and geometry will comply with the City standards in SRC 804.050(2) and applicable portions of Chapter 109 Division 006 of the Public Works Design Standards.

***(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.***

The full length of the site is presently served by existing bicycle lanes and public sidewalk which continues from the site in all directions. This existing infrastructure provides safe and convenient access to surrounding neighborhoods, and nearby commercial businesses such as Roth's Fresh Market, Heroes Tap House, U.S. Bank, Good Will, LB's Market & Deli, South Salem Cycleworks, Faye Wright Elementary School, Judson Middle School, Walgreens, Immanuel Lutheran School, and Queen of Peace Catholic Church.

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

The proposed development is expected to generate far less than 200 daily trips. Therefore, SRC 803.015(b)(1) does not require a Traffic Impact Analysis.

***(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.***

This plan proposes no vegetation requiring a variance. None of the existing trees are heritage trees nor are there any significant trees on site.

***(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.***

Several existing trees on the site fall inside the proposed shared access. Trees on proposed Lots are also located inside buildable areas and in the area of access and drainage improvements. Access to the subject property is limited by code. The proposed access complies with access limitations. Due to the access constraints and the property dimensions, trees must unfortunately be removed. Further, the Protective Covenants over this portion of the Sunnyslope Acres subdivision (Vol. 471, Pg 539) prohibit the construction of two story homes which places larger home foot prints on each Lot leaving less opportunity to preserve trees. Homes complying with these Protective Covenants must not exceed 1-1/2 stories in height. The best residential layout for public safety is proposed, but tree removal is necessary.

***(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.***

The proposed subdivision is located within the City limits with existing public infrastructure. An Urban Growth Preliminary Declaration is not applicable to the proposed development.

## **SUBDIVISION TENTATIVE PLAN**

### **SRC 205.025(d) CRITERIA**

***A tentative replat shall be approved if all of the following criteria are met:***

***(1) The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.***

This tentative replat does not propose vacation of any public street, or any recorded covenants or restrictions.

***(2) The tentative replat will not create nonconforming units of land or non-conforming development, or increase the degree of nonconformity in existing units of land or development.***

This tentative replat will not create nonconforming units of land or non-conforming development, or increase the degree of nonconformity in existing units of land or development.

***(3) The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.***

This tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.

***(4) The tentative replat complies with all applicable provisions of ORS Chapter 92.***

This tentative replat complies with all applicable provisions of ORS Chapter 92.

***(5) The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.***

This tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.

***(6) The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.***

All proposed Lots are directly adjacent to City street, water, sanitary sewer, and storm drainage facilities. The proposed access provides safe and convenient access to all Lots from Liberty Road South.

## ***SUBDIVISION TENTATIVE PLAN***

### ***SRC 205.030(d) ADDITIONAL SUBMITTAL REQUIREMENTS***

***Applications to subdivide, partition, or replat land shall include, in addition to the submittal requirements under SRC Chapter 300, the following:***

***(a) A tentative plan map, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:***

***(1) A title block on each sheet indicating the proposed subdivision or phased subdivision name, or, if available, the partition number; the names and addresses of the landowner; the names and addresses of the professional engineers or surveyors responsible for preparing the plan; date; and township, range and section of the subject property;***

- (2) Scale and north arrow;***
- (3) The location of all property lines within 50 feet of the perimeter of the subject property;***
- (4) The boundaries, dimensions, and area of each proposed lot or parcel;***
- (5) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the subject property;***
- (6) The location, width, curve radius, grade, and names of all proposed streets, flag lot accessway, and public accessways;***
- (7) The location of all existing and proposed easements;***
- (8) The location, dimensions, and use of all existing and proposed public areas, including, but not limited to, stormwater management facilities and detention facilities;***
- (9) The location, dimensions, and use of any existing buildings and structures on the subject property, indicating which will remain and which will be removed;***
- (10) The location of any canals, ditches, waterways, detention facilities, sewage disposal systems, and wells on the subject property, indicating which will remain and which will be removed or decommissioned;***
- (11) The location of any natural topographic features on the subject property, including, but not limited to, creeks, drainage ways as shown on the most recent USGS maps, wetlands as shown on the Local Wetland Inventory, and flood plains; and***
- (12) For subdivisions and phased subdivisions, site topography shown at 5-foot contour intervals, or 2-foot contour intervals for areas within a flood plain;***

This required map is provided with this land use application.

***(b) A current title report for the property;***

A current title report for the property is provided with this land use application.

***(c) A completed tree inventory on a form as provided by the Director and, if required under SRC Chapter 808 a Tree Conservation Plan;***

A Tree Conservation Plan is provided with this land use application. Decision criteria are addressed later in this narrative.

***(d) A geological assessment or geo-technical report, if required by SRC Chapter 810;***

The site is outside mapped landslide hazard areas mapped by DOGAMI. There are no known geological or geotechnical issues to address.

***(e) A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;***

The site design will utilize combined retention and flow control facilities as required by SRC 71 and Section 4 of the Public Works Design Standards. The existing overland flow of the site seems to generally be directed north-northeasterly across existing grass land. The proposed improvements include a storm drain pipe, stormwater conveyance swales, and a public stormwater retention infiltration basin with an approved City maintenance access. The proposed on-site stormwater system will be further refined during final design. Design calculations for pre-development flow will utilize data from Table 4D-6 of the Public Works Design Standards when required. Calculations for stormwater system design will comply with the Public Works Design Standards.

***(f) A schematic plan showing the location of existing and proposed City Infrastructure;***

A schematic plan showing the location of existing and proposed City Infrastructure is provided with this application.

***(g) For residentially zoned property, where the partition or subdivision will result in a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the location of lot or parcel lines and other details of layout, and demonstrating that future further division of the lot or parcel may readily be made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.***

No lots or parcels one-half acre or more will be created by the proposed plat. All proposed Lots are less than one-half acre.

***(h) For partitions of property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, a plan showing:***

***(1) The location of lot lines and other details of layout demonstrating that the further division and full development of the property to the urban densities allowed by the Comprehensive Plan may readily be made in conformance with the development standards of the UDC, and without interfering with the orderly extension and connection of adjacent streets.***

***(2) The approximate location of City infrastructure following full development to the urban densities allowed by the Comprehensive Plan.***

The proposed Lots will connect to the available City sanitary sewer.

*(i) For subdivisions and phased subdivisions:*

*(1) A completed trip generation estimate on forms provided by the City;*

The Trip Generation Form is completed and included with this application.

*(2) A Traffic Impact Analysis, if required under SRC Chapter 803; and*

The proposed development is expected to generate far less than 200 daily trips. Therefore, SRC 803.015(b)(1) does not require a Traffic Impact Analysis.

*(3) A statement from the County Surveyor approving the name of the subdivision or phased subdivision. (Ord No. 31-13)*

Marion County Surveyor's office approval of the proposed subdivision name (Sunnyslope Acres No.3) is included with this application. The proposed subdivision plat will bear the approved name.

## **DECISION CRITERIA in SRC 250**

Per SRC 250, the purpose of this Chapter is to provide a process to allow deviations from the development standards of the UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

Per SRC 250.005(B) *“A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.”*

Pursuant to SRC 250.005(c) the applicant is presenting detailed information and addressing the applicable decision criteria. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

### **ADJUSTMENTS**

#### **250.005(d)(2) CRITERIA.**

*An application for a Class 2 adjustment shall be granted if all of the following criteria are met:*

*(A) The purpose underlying the specific development standard proposed for adjustment is:*

- (i) Clearly inapplicable to the proposed development; or*
- (ii) Equally or better met by the proposed development.*

The purpose of SRC 804 is to establish development standards for safe and efficient access to public streets. The purpose of SRC 806 is to establish standards for off-street parking and vehicle use areas, bicycle parking, loading areas, and driveways. The purpose of SRC 804.035(d) and SRC 806 Table 806-4 are better met for the proposed development via the proposed code adjustments requested herein.

The existing Residential zoned property is along Liberty Road. Liberty Road is classified as a Major Arterial. SRC 804.035(2) limits access to this roadway. Vehicular access of the proposed development will be limited to a shared one-way drive and is strategically located to promote traffic safety. These locations comply with SRC 804.035(a)(2)(A). Limiting access is clearly beneficial to the use of Liberty Road. The proposed private shared one-way access loop limits the access onto Liberty Road to one location. The access from Liberty Road into the shared access is located approximately 228 feet from Mize Road. This location is outside of the existing bus stop and directly across from Idylwood Drive; this location aligns with Idylwood Drive. This alignment with the opposing street reduces potential conflict of left turns that would be present if these accesses were staggered. The access onto Liberty Road from the proposed private lane is located at the south end of the proposed subdivision serving all Lots with one access onto Liberty Road at a location approximately 300 feet from the north entrance and is the greatest distance from the north driveway. This 300-foot gap is the best effort to comply with code requirements for spacing.

In an effort to comply with SRC 804.035(2)(A) and 804.045, a one-way shared access is proposed. However, code adjustments are needed for the access regarding width (reducing to a one-way lane) and adjusting the allowable location of the south site egress onto Liberty Road adjusting SRC 804.035(d). The proposed driveways are not 370 feet from the nearest driveway or street intersection as required by code. The north driveway is 227.5 feet south of the Mize Road centerline; the south driveway is 301 feet from the north driveway centerline and approximately 24.3 feet from the existing driveway south of the site. A code adjustment to allow these proposed driveways at the locations shown is requested which facilitates the unique geometry of the property and access limitations. In compliance with SRC 804.035(c)(3) it is not permissible to propose several residential driveways onto Liberty Road from the proposed subdivision. The shared access proposed locates the site ingress driveway south of the existing bus stop which is safer than locating the egress at this location. A site egress near the bus stop would have greater impact to overall roadway safety. The proposed shared access limits the access entering Liberty Road to one location at the south end of the site.

A code adjustment for the shared portion of the access to vary from the standard driveway width required by SRC 806 Table 806-4 is proposed to be reduced to 12 feet wide minimum. SRC 804.050 requires a minimum width of 18 feet and SRC 806.030 requires a minimum width of 22 feet for a residential driveway serving this site. Unfortunately, no width standards for a one-way access are provided. However, section 804.050 of the code provides a one-way width standard for other land uses which we propose is applied to this residential site. The “AASHTO Policy on Geometric Design of Highways and Streets” provides geometric design standards for vehicle access. The proposed shared access will comply with these standards and parking geometry standards of SRC 806.035(e) for maneuverability, access, and parking. The distance from the rear of each parking stall to the opposite side of the access lane are proposed to be the aisle width dimensions of Table 806-6. To facilitate turning maneuvers, additional access width will be provided at each of the two corners of the shared access lane to comply this AASHTO geometric standard. In no case will the proposed shared access lane be less than 12 feet.

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

The proposed shared access loop provides a view of street yards with less hardscaping and offers opportunity for future residences to provide streetscapes that are more attractive creating a gateway into the existing Sunnyslope Acres neighborhood. Additionally, a 5-foot wide landscape buffer will be provided along the proposed access adjacent to existing residential yards. Further, the proposed adjustments would allow for a safer access and limit potential traffic conflicts with mass transit.

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

The code adjustments requested would result in a project that best utilizes the property for residential development which the Land Use Zone intended.

## **DEVELOPMENT STANDARDS of SRC 86**

Per SRC 86, the purpose of this Chapter is to provide “*a unified, consistent, and efficient means for the planning, planting, maintenance, and removal of trees located on City property and to limit the adverse impacts to City trees and City infrastructure.*” Please see the following code citations (*in italics*) followed by land use application responses.

**86.050 Activities Requiring Permits.**

*(a) A permit is required for the following activities:*

*(1) Permit Required to Prune or Remove City Trees or Tree Protection Devices. It shall be unlawful for any person, without a written permit from the Director, to prune or remove a City tree, or to remove a tree protection device from a City tree, or cause or authorize or procure any person to do so. The Director may, by administrative rule, develop criteria for City tree pruning that does not require a permit where the Director finds the actions are minor and are unlikely to cause damage to the City tree.*

The proposed shared access will require the removal of one City street tree believed to be a Fruitless Mulberry tree. A City tree removal permit will be applied for if required in addition to this land use application and the proposed Tree Conservation Plan approval.

*(2) Permit Required for Construction within Critical Tree Zone of City Trees. It shall be unlawful for any person, without a written permit from the Director, to undertake or cause or authorize or procure any person to undertake any construction activity within the Critical Tree Zone of City trees.*

Any construction activity proposed within the Critical Tree Zone of each City street tree will not commence unless authorized by the City as required by SRC 86.050(2).

**86.090 City Tree Removal Criteria.**

*(a) A permit to remove a City tree may be granted if one or more of the following criteria are met, as determined by the Director:*

*(8) The Director may permit the removal of a City tree due to construction if there is no reasonable alternative. The applicant shall be required to bear all cost of the tree's removal and replacement.*

Based on the requirements of the overall site design limitations and best interest of public safety, the proposed driveway location seems necessary. This proposal requires removal of one City street tree as shown on the proposed Tree Conservation Plan.

**DEVELOPMENT STANDARDS of SRC 511**

Per SRC 511, the purpose of the Single Family Residential (RS) zone is to “*implement the Single Family Residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RS zone generally allows Single Family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential*

area.” Please see the following code citations (*in italics*) followed by land use application responses.

***511.010. Development Standards. 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.***

The proposed Lots meet or exceed the 4,000 sq. ft. minimum Lot area requirements for single family properties.

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

The applicant acknowledges proposed buildings will meet or exceed the minimum building setback requirements for residential structures on the proposed properties per Table 511-3 of SRC 511.010(b). Setbacks abutting Liberty Road will be a minimum of 20 feet as required unless additional setback is required per SRC 800.040.

***(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.***

The applicant acknowledges proposed buildings will not exceed the maximum Lot coverage and height requirements of Table 511-4 of SRC 511.010(c).

***(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.***

The applicant acknowledges any proposed accessory structures will not exceed the maximum aggregate total area indicated in Table 511-5 of SRC 511.010(d).

***(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 paragraph 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.*

The applicant acknowledges all proposed homes will comply with SRC 511.010(e) with respect to garages.

*(f) Development Standards for Continued Uses.*

This section of City code is considered not applicable to this proposal.

***511.015. Other Provisions. In addition to the standards set forth in this Chapter, development within the RS zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:***

- (a) Trees and Shrubs SRC Chapter 86***
- (b) Wireless Communications Facilities SRC Chapter 703***
- (c) General Development Standards SRC Chapter 800***
- (d) Public Improvements SRC Chapter 802***
- (e) Streets and Right-of-Way Improvement SRC Chapter 803***
- (f) Driveway Approaches SRC Chapter 804***
- (g) Vision Clearance SRC Chapter 805***
- (h) Off-Street Parking, Loading, and Driveways SRC Chapter 806***
- (i) Landscaping and Screening SRC Chapter 807***
- (j) Preservation of Trees and Vegetation SRC Chapter 808***
- (k) Wetlands SRC Chapter 809***
- (l) Landslide Hazards SRC Chapter 810***
- (m) Sign Code SRC Chapter 900***

The applicant acknowledges the proposed development will comply with SRC 511.015 with respect to all other applicable development standards of the City of Salem Unified Development Code.

## **DEVELOPMENT STANDARDS of SRC 800**

Per SRC 800, “*The purpose of this Chapter is to establish certain standards that apply generally to development throughout the City, regardless of zone.*” Please see the following code citations (*in italics*) followed by land use application responses.

**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.*

Proposed buildings will be entirely located on a lot. Side Lot lines are run at right angles to the street as far is practical.

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

No flag lots are proposed.

**800.030. Hillside Lots. Hillside lots may, at the option of the developer or owner, meet the standards set forth in this section, in lieu of the standards applicable in the zone.**

No hillside lots are proposed.

**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.*

Required setbacks will be unobstructed except as permissible per SRC and the permitted projections listed in Table 800-2.

**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 Public Works 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.*

Any special setbacks required from the centerline designated by the Public Works Director will be in addition to setback requirements of Table 511.030.

#### **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.*

All buildings and structures will comply with height requirements of SRC 800.045 measured as directed by SRC 112.035.

**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, “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.*

Any proposed fences, walls, hedges, gates, and retaining walls will comply with this section of code including material type, density, height, and location. No gates shall be allowed to swing into public right of way. All vision clearance requirements of SRC 805 shall be met.

**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 1 cubic yard or larger is proposed; and*

**(2)** *Any change to an existing solid waste service area for receptacles of 1 cubic yard or larger that requires a building permit.*

**(3) Vertical Clearance.**

**(A)** *Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.*

**(B)** *Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing.*

Solid waste, recycling, and compostable receptacles of 1 cubic yard or larger are not proposed for this residential development. An unobstructed vertical clearance of no less than 8 feet shall be provided.

**(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 12 feet in width. Vehicle operation areas shall be made available in front of every receptacle, or, in the case of multiple receptacles within an enclosure, in front of every enclosure opening.*

A solid waste service vehicle operation area that is free of obstructions and no less than 45 feet in length and 12 feet in width will be made available in front of every receptacle.

**(B)** *For solid waste service areas having receptacles of 2 cubic yards or less, the vehicle operation area may be located:*

**(i)** *Directly in front of the permanent location of the receptacle; or*

**(ii)** *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.*

A vehicle operation area will be provided either directly in front of the receptacle or 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 or driveway, 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.***

If the solid waste disposal vehicle operation area is located in the driveway, it will be kept clear of parked vehicles and other obstructions to provide the 12-foot wide lane required per this code section via use of “no parking” signs or pavement markings.

***(D) 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, designed and constructed pursuant to the Public Works Design Standards, shall be required to allow safe and convenient access for collection service.***

Access to the vehicle operation area will be a direct approach into position for operation of the service vehicle

***(2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.***

Waste collection service vehicles will not be required to back onto a public street or leave the premises.

***(3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Public Works Director, and shall be adequately designed, graded, and drained to the approval of the Public Works Director.***

Vehicle operation areas will be paved with asphalt, concrete, or other hard surfacing approved by the Public Works Director, and will be adequately designed, graded, and drained to the approval of the Public Works Director.

***(4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.***

If the solid waste disposal vehicle operation area is located in the driveway, it will be kept clear of parked vehicles and other obstructions to provide the 12-foot wide lane required per this code section via use of “no parking” signs or pavement markings.

***(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.*

No variances or adjustments to the standards set forth in this section are proposed.

## **DEVELOPMENT STANDARDS of SRC 802**

Per SRC 802, the purpose of this Chapter is to establish the means and standards whereby public improvements are provided for development within the City. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

***802.010. Design Standards and Specifications. The Public Works 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 Public Works 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.***

Any public improvements required for this proposed development will conform to the requirements of this standard and specifications per this code section.

***802.015. Development to be Served by City Utilities. Except as provided under SRC 802.035 and SRC 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.***

This 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.

***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 10 feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.***

All easements necessary and required will comply with this code section.

**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.***

All utilities will be provided underground as required by this code. Stormwater management will be proposed as a combination of underground pipes, above ground swales and retention.

**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, 10 feet from the top of a recognizable bank, or a sufficient width to pass 10-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.***

There are no water courses within the proposed subdivision.

**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.**

All areas of the proposed subdivision will be serviceable by the City sanitary sewer system.

**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 submetered 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.*

All private stormwater, wastewater, or water systems proposed will be submitted for approval to the Director.

## **DEVELOPMENT STANDARDS of SRC 803**

Per SRC 803, The purpose of this Chapter is to establish standards for streets and other improvements within public right-of-way in the City. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

*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.*

*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.***

Daily trips from the proposed 5 single family residential Lots are expected to 50 trips per average week day.

***(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.***

The traffic generated by this proposed development will be very small. We are not aware of existing traffic problems documented by the City that need addressed by this land use proposal.

***(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.***

The traffic generated by this proposed development will be very small. Changes to levels of service are less than significant.

***(c) 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.***

***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. (Ord No. 31-13)*

**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.*

*(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.*

*(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.*

No public streets are proposed. The proposal contains sufficient site access and proposes limited access to the public street. We believe the proposed shared driveway complies with the standards set forth in this section of code and will include the required covenants, conditions, and restrictions.

**803.030. Street Spacing.**

No public streets are proposed.

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

Several street trees exist along the site frontage. Street trees will comply with this section of code. Any required street trees will be planted in compliance with SRC 86.

***(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 1-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 location required by this subsection, a different location may be allowed.***

***(C) Except as otherwise provided in this paragraph, all sidewalks shall be a minimum of 5 feet in width.***

***(D) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of 8 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 4-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.***

Sidewalk exists along the perimeter of the site. Any work within the public right of way will comply with this code section and all applicable City standards.

***(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.***

Salem Transportation System Plan standards for Liberty Road include bicycle lanes. Liberty Road presently provides all elements of this standard including bicycle lanes, 4 travel lanes, and a median.

***(n) Utility Easements. Public utility easements may be required for all streets. Unless otherwise specified by the Public Works Director, public utility easements shall be a minimum of 10 feet in width on each side of the right-of-way.***

Required utility easements will be provided.

***(o) Street Lights. 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 street lights 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.***

Any improvements required by the City per this code section will be provided.

***(p) Landscape Strips. Landscape strips for signs, street lights, and shade trees shall be provided that conform to the Public Works Design Standards.***

Landscape strips exist along the perimeter of the site.

***(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.***

Landscaping exists within the right of way along the perimeter of the site. Any additional landscaping identified by the City will be provided to meet this code standard.

***(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 66.***

This code section seems not to apply to this site.

#### ***803.040. Boundary Streets.***

This code section seems not to apply to this site.

#### ***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.***

This code section seems not to apply to this site.

***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.***

The proposed subdivision includes a shared private access with residences parking on each separate Lot. All required traffic control will be provided per this code section.

***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.***

No public streets are proposed.

***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.***

No alternative public streets are proposed.

***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.*

This section of code seems not to apply to the proposed subdivision as the boundary streets are improved.

*(2) Sidewalks.*

This section of code seems not to apply to the proposed subdivision as the perimeter sidewalks already exist.

## **DEVELOPMENT STANDARDS of SRC 804**

Per SRC 804, The purpose of this Chapter is to establish development standards for safe and efficient access to public streets. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

***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.*

An approach permit will be obtained prior to construction of proposed driveways.

***804.020. Class 1 Driveway Approach Permit.***

This section of code seems not to apply to the proposed subdivision as Liberty Road is classified as an arterial street.

***804.025. Class 2 Driveway Approach Permit.***

*(a) 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 or Two 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.*

In addition to the information provided in this detailed narrative, a site plan is provided with this proposal indicating access location and dimensions. The site presently includes no improvements or existing conditions that prevent the proposed driveway locations unless the requested code adjustments are not approved. (Please see details in Section 250 of this narrative). The number of approaches are minimized and shared, which are illustrated on the site and the proposed subdivision tentative plat. Vision clearance requirements are easily met with height restrictions set by SRC. The proposed driveway locations were selected in an effort to create the safest access and turning movements at the most desirable location. The traffic to and from the proposed small subdivision will not have a significant adverse impact to the vicinity. Street trees are avoided by the proposed access except for one street tree at the south end of the transit stop. However, the proposed north driveway approach minimizes impact to the functionality of adjacent streets and intersections. Therefore, the proposed driveway approaches balance any adverse impacts to residentially zoned property and the functionality of adjacent streets.

***804.030. Access Onto Local and Collector Streets.***

This section of code seems not to apply to the proposed subdivision. Access to Mize Road is not practical.

***804.040. Access Onto Parkways.***

This section of code seems not to apply to the proposed subdivision.

***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.*

The proposed shared access is necessary to mitigate traffic impacts or eliminate safety concerns. The shared access will conform to this Chapter and applicable Public Works Design Standards, and will be provided by permanent irrevocable easements that are recorded at Marion County.

***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 and Two Family Uses. Driveway approaches serving Single Family and Two Family uses shall conform to the minimum and maximum widths set forth in Table 804-1.***

***(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.***

Driveways for each home will conform to the minimum and maximum width standards of this code section unless otherwise approved by the City.

***(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.***

Driveways for each home will conform to the standards of this code section unless otherwise approved by the City.

***804.055. Driveway Approach Relocation, Reconstruction, and Maintenance.***

This section of code seems not to apply to the proposed subdivision.

## **DEVELOPMENT STANDARDS of SRC 805**

Per SRC 805, 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. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

**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.*

**(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 10-foot legs along each side of the driveway, and 10-foot legs along the intersecting street or alley (see Figure 805-4).*

The vision clearance areas adjacent to the shared access approaches along Liberty Road as required by this code section will not be obstructed.

**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 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.**

The vision clearance areas adjacent to the shared access approaches along Liberty Road as required by this code section will not be obstructed.

***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.***

The vision clearance areas adjacent to the shared access approaches along Liberty Road as required by this code section will not be obstructed. No alternative standard is proposed at this time.

## **DEVELOPMENT STANDARDS of SRC 806**

Per SRC 806, The purpose of this Chapter is to establish standards for off-street parking and vehicle use areas, bicycle parking, loading areas, and driveways. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

***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.***

The off-street parking will be located on the same Lot it serves.

***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.***

The off-street parking will be no less than 2 spaces located on the same Lot it serves.

***(d) Maximum Off-Street Parking. Unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2.***

The off-street parking will be no more than 2.5 times the minimum number of spaces required by SRC 806.015(a).

***(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 10 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.***

No reductions to the required parking are proposed at this time.

***806.020. Method of Providing Off-Street Parking.***

***(a) 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;***

***(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.***

The off-street parking will be located on the same Lot it serves.

***806.025. Off-Street Parking and Vehicle Storage Area Development Standards for Single Family and Two Family Uses or Activities. Unless otherwise provided under the UDC, off-street parking and vehicle storage areas for Single Family and Two***

*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.*

*(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.*

*(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 screened off-street parking area; or*

*(iii) A screened vehicle storage area.*

*(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.*

***(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 6-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 6-foot-tall sight-obscuring fence, wall, or hedge.***

The off-street parking will be located on the same Lot it serves and comply with the requirements of this code section. Individual homes and house plot layouts will vary with regard to specific configuration. Driveways for each single family dwelling will be 20 feet deep measured from the proposed easement.

***806.030. Driveway Development Standards for Single Family and Two Family Uses or Activities. Unless otherwise provided under the UDC, driveways for Single Family and Two 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 10 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.***

A code adjustment requested within this narrative (section 250) proposes to reduce the width and location requirements. Otherwise, the off-street parking will comply with the requirements of this code section. Individual homes and house plot layouts will vary with regard to specific configuration.

The shared private access is proposed as a one-way single lane paved driveway. A code adjustment of the driveway width required by SRC 806 Table 806-4 for the shared portion of the access is proposed to be 12 feet wide minimum as more specifically described in this narrative regarding SRC 250.

## **DEVELOPMENT STANDARDS of SRC 807**

Per SRC 807, 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. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

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

***(a) Landscaping Types. Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.***

***(b) Plant Materials and Corresponding Plant Unit Values. Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials shall provide for a minimum 75 percent coverage of required landscaped areas within 5 years.***

***(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 10 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, 2 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, 2 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.*

*(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 6 feet in height. Landscaping shall be of a species that will attain a height of at least 6 feet within 3 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 3 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 6 months after dying or becoming diseased to the point that required opacity can no longer be maintained.*

*(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 3 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.*

Existing trees will be removed only per the tree conservation plan as approved by the City. Each home site will be developed to comply with this code section as each home plan is laid out for each Lot. The Developer acknowledges landscape requirements and will comply with this code section. The applicant has proposed a limited density project which has the least impact on surrounding properties. Due to the project site access and house plan constraints, the applicant has designed a project that best utilizes the property. Access to the subject property is limited by code. The proposed access complies with access limitations. Further, the Protective Covenants over this portion of the Sunnyslope Acres subdivision (Vol. 471, Pg 539) prohibit the construction of two-story homes. Because homes may not exceed 1-1/2 stories in height, the applicant does not have the ability to reduce impacts to existing trees and vegetation by building homes with a smaller footprint. Wherever possible, the Developer will make every effort to save existing trees and vegetation.

**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 5 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 paragraph (8) of this subsection, 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 2-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.*

**807.025. Plant Material Standards.** *All plant materials shall be, up installation, vigorous and wellbranched, with healthy and well-furnished root systems free of disease, insects, pests, and injuries.*

**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.*

Landscaping will comply with this code section. Existing trees will be removed only per the tree conservation plan as approved by the City. Each home site will be developed to comply with this code section as each home plan is laid out for each Lot.

**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.*

**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 2 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 2-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a 2-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 2-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a 2-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.*

**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.*

**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.*

**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.*

Landscaping and any required screening will comply with this code section. Existing trees will be removed only per the tree conservation plan as approved by the City. Each home site will be developed to comply with this code section as each home plan is laid out for each Lot. The landscape plan for each Lot will be submitted with the building permit application as required by this code section.

## **DEVELOPMENT STANDARDS of SRC 808**

Per SRC 808, 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. Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

### **808.010. Heritage Trees.**

*(a) Designation of Heritage Trees. The City 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 City Council shall rescind a Heritage Tree designation if the tree has been removed pursuant to subsection (b) of this section.***

No heritage trees exist on the subject property.

***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.***

There are no rare, threatened, or endangered trees of any size, identified on the subject property. Nor are there any Oregon white oaks (*Quercus garryana*) on the subject property. One tree with a dbh of approximately 11” located in the Liberty Road right of way may be an Oregon white oak. This tree will not be affected by the proposed development.

***808.020. Trees and Native Vegetation in Riparian Corridors.***

This section of code seems not to apply to the proposed subdivision. There are no riparian corridors on the subject property.

***808.030. Tree and Vegetation Removal Permits.***

***(a) Applicability.***

***(1) Except as provided in paragraph (2) of this subsection, 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:***

***(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;***

A tree conservation plan is provided with this land use application. Trees shown as removed are necessary for the proposed single family residential development.

***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 2-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.***

Please see the tree conservation plan provided with this land use application.

***(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.***

No heritage or significant trees are proposed for removal. There is no riparian corridor on the subject property. Existing trees will be removed only per the tree conservation

plan as approved by the City. Each home site will be developed to comply with this code section as each home plan is laid out for each Lot. The applicant has proposed a limited density project which has the least impact on surrounding properties. Due to the project site access and house plan constraints, the applicant has designed a project that best utilizes the property. Access to the subject property is limited by code. The proposed access complies with access limitations. Further, the Protective Covenants over this portion of the Sunnyslope Acres subdivision (Vol. 471, Pg 539) prohibit the construction of two-story homes. Because homes may not exceed 1-1/2 stories in height, the applicant does not have the ability to reduce impacts to existing trees and vegetation by building homes with a smaller footprint. Wherever possible, the Developer will make every effort to save existing trees and vegetation.

***(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 paragraph (1) of this subsection, 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.***

All trees and native vegetation designated for preservation under the tree conservation plan will be marked and protected during construction. No heritage trees or significant trees exist on the subject property. Protection measures will 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.***

Each lot or parcel within the development proposal will 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.***

The applicant acknowledges that the proposed tree conservation plan will remain valid as long as the development proposal remains valid.

**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.*

Additional trees will be planted if an insufficient number of existing trees remain due to any approved removal for residential development.

**DEVELOPMENT STANDARDS of SRC 809**

Per SRC 809, The purpose of this Chapter is to identify those wetlands located within the City of Salem which are significant and non-significant, and to establish the foundation for a wetlands protection program that will provide for the long-term protection of wetlands within the City of Salem.

Per the Pre-application conference case No. PRE-AP17-75, City staff reports there are no mapped wetlands located on the subject property according to the Salem-Keizer Local Wetland Inventory. Further, no wetlands were found on the National Wetlands Mapper.

**DEVELOPMENT STANDARDS of SRC 810**

Per SRC 810, the purpose of this Chapter is to implement the Geologic Hazards policy of the Scenic and Historic Areas, Natural Resources, and Hazards section of the Salem Area Comprehensive Plan and to promote the public health, safety and welfare by:

- (a) Assessing the risk that proposed uses or activities will adversely affect the stability and slide susceptibility of an area;
- (b) Establishing standards and requirements for the use and development of land within landslide hazard areas; and
- (c) Mitigating risk within landslide hazard areas.

Please see the maps provided and the following code criteria citations (*in italics*) followed by land use application responses.

**810.005. Applicability.** *This chapter applies to all areas of land designated as Moderate Landslide Hazard Risk or High Landslide Hazard Risk pursuant to this Chapter.*

Per the Pre-application conference case No. PRE-AP17-75, City staff reports the subject property does not contain any mapped landslide hazard susceptibility points according to the City's adopted landslide hazard susceptibility maps. This seems confirmed by Oregon DOGAMI Statewide Geohazards Viewer.



# MEMO

**TO:** Olivia Glantz, Planner II  
Community Development Department

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer  
Public Works Department

**DATE:** February 7, 2018

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
SUBDIVISION PLAT NO. SUB-ADJ-DAP17-12 (17-123366-LD)  
4333 LIBERTY ROAD S  
5-LOT SUBDIVISION**

## **PROPOSAL**

A subdivision to divide 0.99 acres into 5-lots ranging in size from approximately 4,910 square feet to 8,241 square feet, a Class 2 Driveway Approach Permit with a three Class 2 Adjustments.

A request for a 5-lot Subdivision, Driveway Approach Permit with a Class 2 Adjustments to:

1. Decrease the driveway from a paved 22 foot width to a 12 foot paved width;
2. Decrease the distance between Mize Road SE to the proposed driveway from 370-feet to approximately 230-feet. Also to reduce the distance between the proposed driveways from 370-feet to 310-feet; and
3. Allow access (two driveways) to a Major Arterial for single family dwellings constructed as part of a subdivision.

The proposed lots would be served by a one way private access easement. The property is zoned RS (Single Family Residential) and is located at 4333 Liberty Road S (Marion County Assessor Map and Tax Lot Number: 083W09AB04400).

## **RECOMMENDED CONDITIONS OF PLAT APPROVAL**

1. Construct water and sewer systems to serve each lot.
2. Provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots. Construct stormwater facilities that are proposed in the public right-of-way and in public storm easements.

3. Proposed Tract A shall be either: (a) dedicated and maintained by the City of Salem as a public stormwater facility if meeting the criteria for a public facility pursuant to Public Works Design Standards (PWDS); or (b) constructed as a private stormwater facility and maintained by the homeowners association.
4. The access driveways shall have one direction of travel, entering from the northerly driveway and exiting from the southerly driveway.
5. Dedicate a 10-foot public utility easement along the entire frontage of Liberty Road S and street frontage of all internal streets.

### **FACTS**

1. Liberty Road S
  - a. Standard—This street is designated as a Major Arterial street in the Salem Transportation System Plan. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
  - b. Existing Condition—This street has an approximate 68-foot improvement within a 98-foot-wide right-of-way abutting the subject property.

### **Storm Drainage**

1. Existing Condition - An 18-inch storm main is located in Liberty Road S.

### **Water**

1. Existing Conditions
  - a. The subject property is located within the S-2 water service level.
  - b. A 10-inch water line is located in Liberty Road S. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.

### **Sanitary Sewer**

1. Existing Sewer – An 8-inch sewer line is located in Liberty Road S.

### **CRITERIA AND FINDINGS**

SRC 205.010(d) indicates 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 partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition 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), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no areas of landslide susceptibility on the subject property.

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

**Findings**—Water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. As shown on the applicant's site plan, new water and sewer services shall be constructed in the right-of-way to serve each proposed lot. 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)(6)(B).

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 provide an engineered tentative stormwater design to accommodate future impervious surface on all proposed lots. The applicant shall construct stormwater facilities that are proposed in the public right-of-way and in

public storm easements.

Proposed Tract A shall be either: (a) dedicated and maintained by the City of Salem as a public stormwater facility if meeting the criteria for a public facility pursuant to PWDS; or (b) constructed as a private stormwater facility and maintained by the homeowners association. The determination of public versus private facilities generally is based on the extent of drainage entering the facility from the public right-of-way.

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)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

**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**— Liberty Road S abuts the subject property and is fully developed with curb and sidewalk. No additional right-of-way dedication or improvements are required as a condition of development.

**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 Comprehensive Parks Master Plan Update shows that the subject property is served by developed parks. No park-related improvements are recommended as a condition of development.

**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 5-lot subdivision generates less than 1,000 average daily vehicle trips to Liberty Road S. Therefore, a TIA was not required as part of the proposed subdivision submittal.

### **CRITERIA AND FINDINGS—Class 2 Adjustment**

The proposed subdivision includes the following adjustments:

1. Decrease the driveway from a paved 22 foot width to a 12 foot paved width;
2. Decrease the distance between Mize Road to the proposed driveway from 370-feet to approximately 230-feet. Also to reduce the distance between the proposed driveways from 370-feet to 310-feet; and
3. Allow access (two driveways) to a major arterial for single family dwellings constructed as part of a subdivision.

Analysis of the development based on relevant criteria in SRC 250.005(d)(2) is as follows:

**Criteria**—The purpose underlying the specific development standard proposed for adjustment is:

1. Clearly inapplicable to the proposed development; or
2. Equally or better met by the proposed development.

**Findings**—

1. Paved Width: The minimum width is 12 feet for a one-way driveway approach to uses other than single family residential pursuant to SRC Table 804-2. Single family uses generally take access to parking areas directly from the public street or from an access way with two-way traffic. Because the proposed subdivision takes access to parking areas from the one-way driveway, then SRC Table 804-2 is the appropriate standard to use for the one-way driveway. The 12-foot one-way driveway meets the adjustment criteria because compliance with SRC Table 804-2 provides access that is equal to that specified in SRC Table 804-1.
2. Driveway Spacing: The one-way driveway will enter from the northerly driveway and exit from the southerly driveway. This configuration provides safe access by minimizing traffic conflicts at the Idywood Dr. intersection. The adjustment criteria are met because the traffic conflicts for the proposed driveway configuration are equal or better than those for one two-way driveway.
3. Arterial Access: Accesses are limited for single-family uses because motorists exiting single family driveways often enter the Arterial street in a reverse direction, causing a higher risk for traffic conflicts. The proposed development ensures safe entry and exit onto the arterial through construction of the one-way driveway access. No other access is available to streets of lesser classification. The adjustment criteria is met because the one-way access driveway ensures that vehicles do not enter the Arterial street in a reverse direction and provides safe access to the Arterial street.

**Driveway Approach Permit—Liberty Road S**

Analysis of the development based on relevant criteria in SRC 804.025(d) is as follows:

**(1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;**

**Finding—**The proposed driveways meet the standards for SRC Chapter 804 and PWDS with three Class 2 adjustments as described above. The proposed access to the subject property is provided by a one way private access easement, with approximately 310-feet between the driveway approaches. The City Traffic Engineer has reviewed the proposed configuration and determined the spacing provides adequate distance for safe turning movements.

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

**Finding—**There are no site conditions prohibiting the location of the proposed driveway.

**(3) The number of driveway approaches onto an Arterial street are minimized;**

**Finding—** The existing use on the subject property included seven individual residential driveways directly to Liberty Road S. Improvements to Liberty Road S and the proposed subdivision layout allows the driveways to be minimized to two individual one-way driveways to Liberty Road S, therefore minimizing the number of driveway approaches to an Arterial street.

**(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;**

**Finding—** SRC 804.035 allows for a driveway approach to a Major Arterial street if the development cannot be feasibly served by access onto a Local or Collector street. The proposed development does not have adequate frontage on Mize Road SE to provide for access to a Local street with a safe distance from the intersection of Mize Road SE and Liberty Road S. The unique geometry of the property requires two driveways to Liberty Road S to allow for through access to the proposed lots. The driveways will be limited to a one way shared access.

Shared access with adjacent property to the south is not feasible at this time due to the existing use and location of structures on the property.

**(5) Proposed driveway approach meets vision clearance standards;**

**Finding**—The proposed driveways to Liberty Road S meets the PWDS vision clearance standards set forth in SRC Chapter 805.

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

**Finding**—The proposed driveways will not create a known traffic hazard and will provide for safe turning movements for access to the subject property in conformance with the proposed one way shared access.

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

**Finding**—The location of the proposed driveways does not appear to have any adverse impacts to the adjacent properties or streets.

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

**Finding**— The proposed driveway approaches to Liberty Road S minimize the impact to the functionality of the adjacent intersections by locating the approaches a safe distance from the intersections and limiting access to one way.

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

**Finding**—The proposed property is residentially zoned. The driveway will not have an effect on the functionality of the adjacent properties or streets.

Prepared by: Curt Pellatz, Project Coordinator  
cc: File