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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

**TREE REGULATION VARIANCE / CLASS 2 DRIVEWAY APPROACH PERMIT
CASE NO.: TRV-DAP25-01**

APPLICATION NO.: 24-125192-PLN

NOTICE OF DECISION DATE: February 11, 2025

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

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

APPLICANT: BRAND Land Use, on behalf of Schurman Cottages, LLC (Terence Blackburn, Sean Blackburn)

LOCATION: 1000 Block of Schurman Dr S, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 808.045(d) – Tree Regulation Variance; 804.025(d) – Class 2 Driveway Approach Permit

FINDINGS: The findings are in the attached Decision dated February 11, 2025.

DECISION: The **Planning Administrator APPROVED** Tree Regulation Variance / Class 2 Driveway Approach Permit Case No. TRV-DAP25-01 subject to the following conditions of approval:

- Condition 1:** At time of building permit, the applicant shall provide a report from a licensed arborist demonstrating the proposed development will not adversely impact tree 1011.
- Condition 2:** A licensed arborist shall be on site to conduct any excavating and cutting of the roots of the significant Oregon White Oaks on the property (trees 1003, 1004, 1005, 1006, 1007, 1008, 1009, and 1011 on the attached plan).
- Condition 3:** During construction, an above ground silt fence or its equivalent shall encompass 100 percent of the critical root zone of the significant Oregon White Oaks, except where the arborist's report

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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indicates less than 30 percent of the critical root zones will be impacted. Within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.

Condition 4: Prior to building permit issuance, the applicant shall submit a site plan that demonstrates the proposed driveway approach serving the development is in compliance with applicable vision clearance requirements of SRC Chapter 805.

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

Tree Regulation Variance	<u>February 27, 2029</u>
Class 2 Driveway Approach Permit	<u>February 27, 2027</u>

Application Deemed Complete:	<u>January 13, 2025</u>
Notice of Decision Mailing Date:	<u>February 11, 2025</u>
Decision Effective Date:	<u>February 27, 2025</u>
State Mandate Date:	<u>May 13, 2025</u>

Case Manager: Peter Domine, pdomine@cityofsalem.net, (503) 540-2311

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Wednesday, February 26, 2025. 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) 808, 804. 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 Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
TREE REGULATION VARIANCE &)	
CLASS 2 DRIVEWAY APPROACH)	
PERMIT)	
CASE NO. TRV-DAP25-01)	
1000 BLOCK SCHURMAN DR S)	FEBRUARY 11, 2025

In the matter of the applications for a Tree Regulation Variance and Class 2 Driveway Approach Permit submitted by the applicant, Brand Land Use, on behalf of the property owner, Schurman Cottages, LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

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

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

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

PROCEDURAL FINDINGS

1. Background

On December 18, 2024, a consolidated application for four Tree Regulation Variances and a Class 2 Driveway Approach Permit was filed for the subject property. The application was deemed complete for processing on January 13, 2025. The 120-day state mandated decision deadline for this consolidated application is May 13, 2025.

The applicant's proposed development plans are included as **Attachment B** and the applicant's written statement and arborist report addressing the approval criteria is included in the record.

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 125192.

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Southwest Association of Neighbors (SWAN).

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), neighborhood association contact is not required for the requested land use applications.

Neighborhood Association Comment: Notice of the application was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. The Neighborhood Association provided comments indicating their opposition to the removal of the three Oregon White Oak trees (trees 1011, 1012, and 1013 on the plans). The Neighborhood Association's comments are addressed below.

Homeowner's Association: The subject property is not located within a homeowner's association.

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (iv), (vi), & (vii), to the address of the subject property and all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, twelve comments were received from neighboring property owners and tenants. The comments and staff's responses are summarized as follows.

General opposition to the removal of the trees and suggested alternatives for development of the site.

Staff Response: The Neighborhood Association provided comments indicating their opposition to the removal of the three Oregon White Oak trees (trees 1011, 1012, and 1013 on the plans). The response asserts that the applicant has not demonstrated they have met the approval criteria of a tree variance under SRC 808.045(d)(1). The comments indicate that tree 1011 is within the critical root zone of the many other significant trees on the site, which are proposed for preservation, and that extending the protection area around those trees could include tree 1011. The applicant has requested to encroach within 30 percent of the critical root zone of tree 1011, which meets the definition of removal; however, the applicant proposes to keep this tree, which is addressed further in the findings included in this decision. The comments also suggest the parking area could be redesigned around trees 1012 and 1013, enabling them to be preserved. The applicant has responded that due to the site's steep topography, significant grading will be necessary for the development of the proposed parking

area and for providing access between the off-street parking spaces and the pedestrian paths of the cottage cluster. The applicant's response also demonstrates that the proposed layout of the cottages provides for the preservation of eight of ten Significant Trees, including tree 1011, on the subject property. Complete findings are included in Section 6 this decision.

Several comments proposed alternative options for development of the property, such as a minor partition to create new lots for other housing types or relocation of the proposed driveway. While such alternative development options are possible, review of hypothetical alternatives to what the applicant has proposed is not an approval criterion for the requested applications. As addressed in the findings in Section 6 and 7 of this decision, the applicant is requesting four tree variances and a driveway approach for the development of a cottage cluster use. As currently proposed, the cottage cluster and off-street parking area, including the driveway approach, all comply with the applicable development standards of the Salem Revised Code. Complete findings addressing the approval criteria are included in this decision.

Concerns regarding the location of the proposed driveway approach on Gilbert Street, and that the driveway is too close to the intersection with Schurman Drive S.

Staff Response: As addressed in the findings included in this decision, SRC Chapter 804 provides development standards for driveway approaches, including minimum spacing standards between driveway approaches and intersections, or to other driveways. For driveways accessing Local Streets, SRC 804.030(c) does not provide a minimum spacing standard between driveway approaches and intersections or other driveways; however, to minimize vehicle conflicts, driveways are generally encouraged to provide access from the lowest street classification abutting the property where fewer vehicle trips and lower vehicle speeds are expected. In this case, the proposed driveway takes access from Gilbert Street S, classified as a Local Street, which has a lower classification than Schurman Drive S, which is classified as a Collector Street. The driveway approach is also positioned as far away as possible from the intersection of Gilbert and Schurman, while still providing legal access to the property. The Assistant City Traffic Engineer has reviewed the proposed development plans and has indicated no safety concerns with the driveway location.

Concerns regarding the lack of off-street parking for future residents of the proposed cottage cluster units and overflow parking on Gilbert Street.

Staff Response: The Salem Revised Code does not require the provision of a minimum amount of off-street parking for any use, including the development of new residential uses. Minimum parking requirements were eliminated in May of 2023 in response to the requirements of the State's Climate Friendly and Equitable Communities rules, which aim to help Oregon reduce greenhouse gas emissions while also providing flexibility to balance the demand for needed housing and the provision of off-street parking. Parking is only limited to allowed maximums, set forth in SRC 808.015(a). The applicant's proposed development includes 11 off-street parking spaces serving the proposed 11 dwelling units, for which they have requested a Class 2 Driveway Approach Permit to provide access to the site from Gilbert Street S.

Gilbert Street S has an improvement width of approximately 30 feet and allows for on-street parking on the eastern side of the street; however, on-street parking is not permitted along the west side of the street. Additionally, on the east side of the street along the frontage of the

subject property there is approximately 50 feet of yellow curb (No Parking) approaching the stop sign at the intersection with Schurman Drive S.

The approval criteria for a Class 2 Driveway Approach Permit in SRC Chapter 804 does not require an analysis of impacts to on-street parking availability; therefore, the applicant is not required to address impacts to on-street parking when requesting a driveway approach.

There is no minimum standard for on-street parking along Local Streets. The Parking Management Element of the Salem Transportation System Plan, Policy 1.1 Priority of On-Street Parking Facilities, provides that on-street parking is second in priority to the needs of the travel modes (i.e., vehicle, transit, bicycle, pedestrian) using the street right-of-way. The new driveway will remove the equivalent of one on-street parking space but is necessary to provide access to 11 parking spaces in the proposed off-street parking area on the subject property.

General opposition to the proposed cottage cluster use.

Staff Response: The applicant is proposing to develop 'cottage cluster' units on the subject property. The application is for four Tree Variances to remove two significant trees, encroach within more than 30 percent of the the critical root zone of one significant tree and for the removal of more than 50 percent of the total trees on the site within a five-year calendar period. The proposed cottage cluster units on the submitted development plans are currently under review for residential building permits which are not a part of the approval criteria for a Tree Variance, addressed in the findings below. Within the RS Zone, cottage clusters are permitted as a Special Use subject to the Special Use Provisions of SRC 700.011 and all other applicable standards of the Salem Revised Code (SRC). By State law, cottage cluster units are considered a type of middle-housing and treated the same as any other single-family, two-family, three-family, or four-family residential dwelling. Development of the proposed cottage cluster units will be reviewed for conformance with the applicable development standards at time of Building Permit Application.

4. City Department Comments

Development Services: Reviewed the proposal provided a memo, which is included as **Attachment C**. Development Services indicated that City of Salem Permits including grading and erosion control are required for the proposed cottage cluster development and have not yet been applied for. A utility plan has not been reviewed and approved by the City of Salem for services to this site. Review of utility, grading, and erosion control plans will be completed at time of Building Permit Application.

Building and Safety: Reviewed the proposal and indicated no concerns.

Fire Department: Reviewed the proposal and indicated no concerns.

5. Public Agency Comments

Salem Keizer School District: Reviewed the proposal and indicated no concerns with the requested tree variances or driveway approach. The School District provided a memo indicating local school capacity is adequate for the proposed new residential dwellings. The memo is available in the record.

DECISION CRITERIA FINDINGS

6. Analysis of Tree Regulation Variance Approval Criteria

Salem Revised Code (SRC) 808.045(d) sets forth the following criteria that must be met before approval can be granted to a request for a Tree Regulation Variance. In this case, the applicant has requested to address the hardship criterion in SRC 808.045(d)(1).

SRC 808.045(d)(1)(a): There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance.

Finding: The applicant has requested four tree variances for the removal of two significant trees; to encroach within more than 30 percent of the critical root zone of one significant tree; and for the removal of more than 50 percent of the total trees on a parcel 20,000 square feet or greater within a five-year calendar period. Pursuant to SRC 808.015, no person shall remove a significant tree, unless the removal is undertaken pursuant to a tree and vegetation 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.

The applicant has provided a conceptual site plan and tree inventory plan (**Attachment B**) for the proposed development of 11 'cottage cluster' units on the subject property. The tree inventory indicates there were a total of 17 trees on the site, having a diameter-at-breast-height (dbh) of 10-inches or greater, meeting the definition of a 'tree' under SRC 808.005, including 10 significant Oregon White Oak trees having a dbh of 20-inches or greater.

For the first two Tree Variance requests, the applicant has proposed to remove two trees, a 26-inch and a 32-inch Oregon White Oak (trees 1012 and 1013 on the plan), for the development of a proposed driveway and off-street parking area to serve the units. While off-street parking is not required for the proposed cottage cluster use, the applicant has proposed development of 11 off-street parking spaces to serve the units. Per the Special Use development standards of a cottage cluster under SRC 700.011(f), off-street parking areas shall not be located between the front property line abutting a street and those dwelling units within the cottage cluster that are located closest to the front property line abutting a street, unless the lot is a corner lot, then the off-street parking area may be located between the dwelling units and a side lot line abutting a street. The property is a corner lot abutting Schurman Drive S and Gilbert Street S; therefore, the front property line can be either street-abutting property line, provided it meets lot standards.

Because the off-street parking areas are not to be located between the units and the street unless from a side lot line abutting a street, the proposed site plan has oriented the cottages so that the property line abutting Schurman Drive will be the front lot line and the driveway can take access from Gilbert Street with the parking area located behind and to the side of the units. Additionally, because the driveway approach approval criteria of SRC 804 require a driveway approach to take access from a lower street classification, the applicant has proposed to orient the off-street parking area and driveway access off the Gilbert Street side. Findings for the driveway approach are addressed in full in Section 7 of this decision. Because the two trees are located in an area most feasible to place the driveway and off-street parking area while still meeting the applicable development standards for the proposed cottage cluster

use and driveway approach, the applicant has demonstrated there are practical difficulties for the otherwise reasonable development of the property, which can be relieved by a variance.

Of the other significant trees on the property, the applicant has proposed to preserve eight of the trees which are grouped within the center of the site, creating a courtyard space for the cottage units. The applicant's plans and written statement indicates the critical root zone of one of the trees, a 51-inch DBH Oregon White Oak (tree 1011 on the plan), will be impacted by the construction. As defined in SRC 808.005, the *critical root zone* is "the circular area beneath a tree established to protect the tree's trunk, roots, branches, and soil to ensure the health and stability of the tree. The critical root zone measures one-foot in radius for every one-inch of DBH of the tree." Based on the tree's 51-inch DBH, the critical root zone measures 51 feet in radius. Per SRC 808.046(a)(1)&(2), all protected trees, including 100 percent of their critical root zone, shall be protected during construction; however, SRC 808.046(a)(3) allows "up to a maximum of 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of property when a report from an arborist is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed." As defined in SRC 808.005, *tree removal* includes the cutting or removal of 30 percent or more of the tree's roots. Because the applicant's proposed development will encroach more than 30 percent of the tree's critical root zone, meeting the definition of removal, the applicant has requested a tree variance to this standard. The applicant has demonstrated that due to the size and configuration of the lot and the location of tree 1011 in the middle of the subject property, the protection measures create a practical difficulty to the otherwise reasonable development of the property, that can most effectively be relieved by approval of the variance. To ensure the proposed development will not severely impact the tree, the following conditions shall apply.

- Condition 1:** At time of building permit, the applicant shall provide a report from a licensed arborist demonstrating the proposed development will not adversely impact tree 1011.
- Condition 2:** A licensed arborist shall be on site to conduct any excavating and cutting of the roots of the significant Oregon White Oaks on the property (trees 1003, 1004, 1005, 1006, 1007, 1008, 1009, and 1011 on the attached plan).
- Condition 3:** During construction, an above ground silt fence or its equivalent shall encompass 100 percent of the critical root zone of the significant Oregon White Oaks, except where the arborist's report indicates less than 30 percent of the critical root zones will be impacted. Within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.

For the fourth and final Tree Variance request, because the site is greater than 20,000 square feet, per SRC 808.025, no trees shall be removed without a tree removal permit, unless they meet the exemptions of SRC 808.030(a)(2)(N). The exemptions allow a removal of up to five trees or 15 percent of the total trees on a lot, whichever is greater, within a single calendar year, but no more than 50 percent of the total trees within any five consecutive calendar years, provided the removal does not include the removal of any heritage, significant, or riparian

corridor trees. The applicant's tree inventory and written statement indicate that there was a total of 17 trees on the subject property and that the applicant has already removed five, or 29 percent ($5 / 17 = 0.29$) in the previous year 2024. None of the five trees previously removed were significant, heritage, or riparian corridor trees. The applicant has requested to remove an additional 10-inch Poplar tree (tree 1014 on the attached plan) within the area of the proposed driveway approach. With the requested removal of the two other significant trees, and the encroachment into the third, previously addressed, nine total trees are proposed for removal, or 53 percent ($9 / 17 = 0.53$) within a five-year period.

As addressed above, because of the lot configuration and the applicable development standards for a cottage cluster and driveway approach permit, accessing the property from the Gilbert Street side is the most feasible area to locate a driveway approach while meeting the other standards for the cottage clusters and off-street parking areas. Along with the other trees removed, the additional variance for the removal of the 10-inch Poplar is the minimum necessary for the otherwise reasonable development of the property.

SRC 808.045(d)(1)(b): The proposed variance is the minimum necessary to allow the otherwise lawful proposed development of activity.

Finding: As described in the findings above and as conditioned, the applicant's requested variances to remove two significant trees, construct within more than 30 percent of the critical root zone of one significant tree, and for the removal of more than 50 percent of the total trees on site within a five-year calendar period, is the minimum necessary to allow for the otherwise lawful development of the subject property.

7. Analysis of Class 2 Driveway Approach Permit Approval Criteria

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The applicant proposes one new driveway approach onto Gilbert Street S, this street is classified as a local street according to the Salem Transportation System Plan. The proposed driveway approach meets the standards within SRC 804.030 relating to permitted access onto local streets. In addition, the proposed driveway approach complies with the maximum driveway approach width standard. Per SRC Chapter 804, Table 804-2, a two-way driveway approach serving uses other than single family, two family, three family, or four family requires a minimum width of 22 feet and maximum width of 40 feet. The proposed driveway approach is 24 feet in width, within the minimum and maximum allowance. Staff finds that the proposed driveway meets the standards for SRC Chapter 804 and Public Works Design Standards (PWDS). This criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: Development Services has reviewed the proposal and determined that no site conditions existing prohibiting the location of the proposed driveway. This criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: One driveway approach is proposed to Gilbert Street S which is classified as a local street. The proposed driveway is not accessing onto an arterial street. This criterion is not applicable.

SRC 804.025(d)(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 applicant proposes one driveway approach to serve an 11-unit cottage cluster development. A shared driveway approach with neighboring property is not proposed. The subject property has frontage on Schurman Drive S, classified as a collector street, and Gilbert Street S, classified as a local street. The proposed driveway is located with access to Gilbert Street S, the lowest classification of street abutting the subject property. Therefore, the proposed driveway approach meets the approval criteria by taking access from the lowest classification of street abutting the property. This criterion is met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The preliminary site plan shows a retaining wall within the required vision clearance area for the Driveway Approach. The site plan does not provide details regarding the height of the retaining wall. SRC 805.010 prohibits obstructions to vision clearance from 30 inches above curb level to 8.5 feet above curb level; it is unclear from the information provided if the retaining wall complies with the 30-inch height restriction. As a condition of approval, prior to building permit issuance the applicant shall submit a site plan demonstrating the driveway approach serving the proposed cottage cluster development complies with applicable Vision Clearance Standards in SRC Chapter 805. With this condition of approval, the driveway approach will comply with the Vision Clearance Standards established in SRC Chapter 805.

Condition 4: Prior to building permit issuance, the applicant shall submit a site plan that demonstrates the proposed driveway approach serving the development is in compliance with applicable vision clearance requirements of SRC Chapter 805.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, Development Services' analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: Development Services' analysis of the proposed driveway indicates that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The property is located on the corner of a collector street (Schurman Drive S) and a local street (Gilbert Street S). The applicant is proposing a driveway to the lower classification of street. The proposed driveway approach is located along the western property corner and placed as far away from the street intersection as practicable. By complying with the requirements of this chapter the applicant has minimized impacts to the functionality of adjacent streets and intersections. This criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The subject property is residentially zoned, and the proposed development is surrounded by residentially zoned property. The proposed development abuts two streets, Schurman Drive S which is a collector street, and Gilbert Street S which is a local street. Access to the proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets. This criterion is met.

8. Conclusion

Based upon review of SRC Chapter 808 and 804, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Tree Regulation Variance Case No. TRV-DAP25-01 is hereby **APPROVED** subject to SRC Chapter 808 and 804, the applicable standards of the Salem Revised Code, and conditions of approval.

- Condition 1:** At time of building permit, the applicant shall provide a report from a licensed arborist demonstrating the proposed development will not adversely impact tree 1011.
- Condition 2:** A licensed arborist shall be on site to conduct any excavating and cutting of the roots of the significant Oregon White Oaks on the property (trees 1003, 1004, 1005, 1006, 1007, 1008, 1009, and 1011 on the attached plan).
- Condition 3:** During construction, an above ground silt fence or its equivalent shall encompass 100 percent of the critical root zone of the significant Oregon White Oaks, except where the arborist's report indicates less than 30 percent

of the critical root zones will be impacted. Within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.

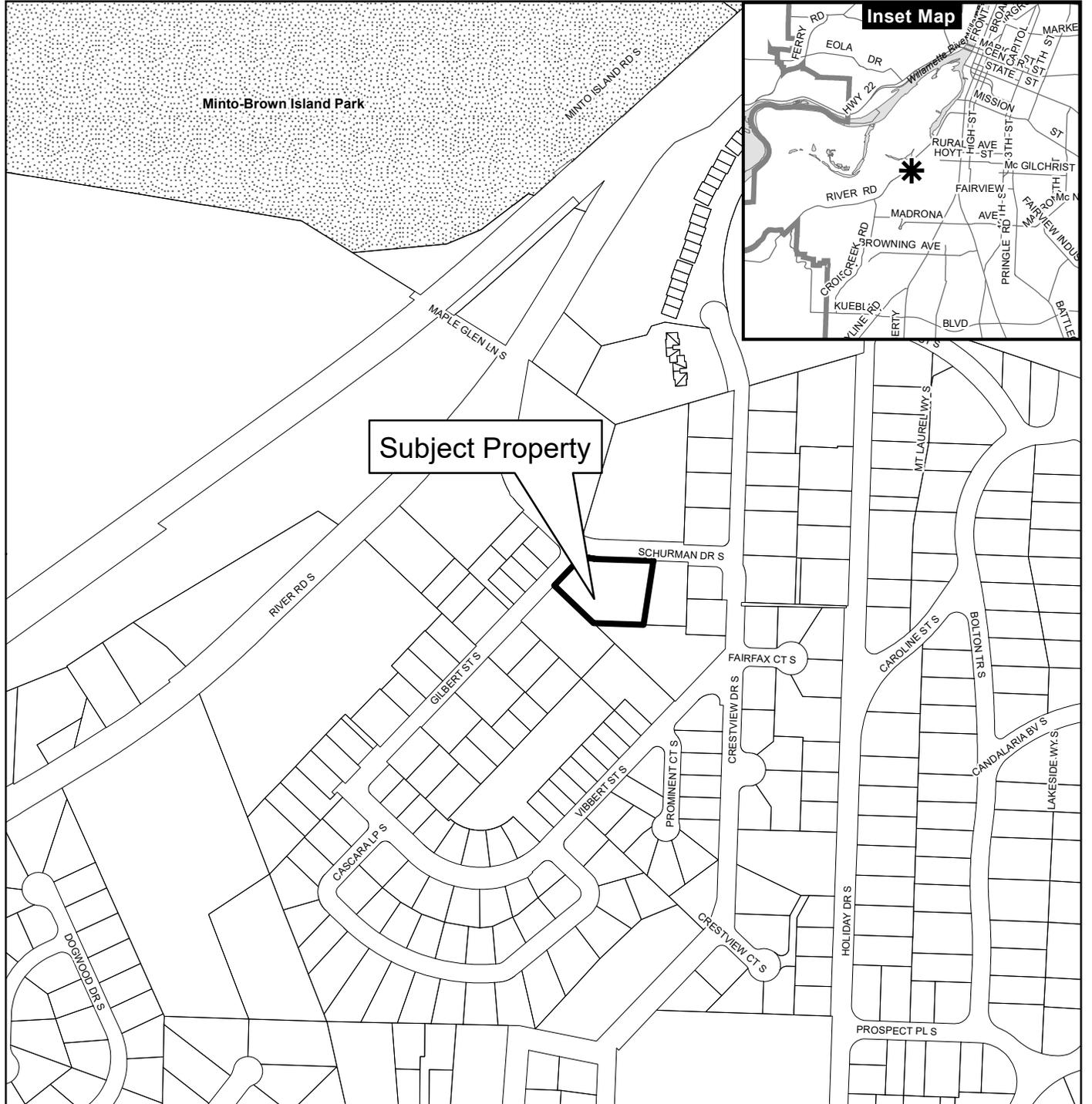
Condition 4: Prior to building permit issuance, the applicant shall submit a site plan that demonstrates the proposed driveway approach serving the development is in compliance with applicable vision clearance requirements of SRC Chapter 805.



Peter Domine, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Site Plan
C. Development Services Memo

Vicinity Map 1000 Block of Schurman Drive S



Legend

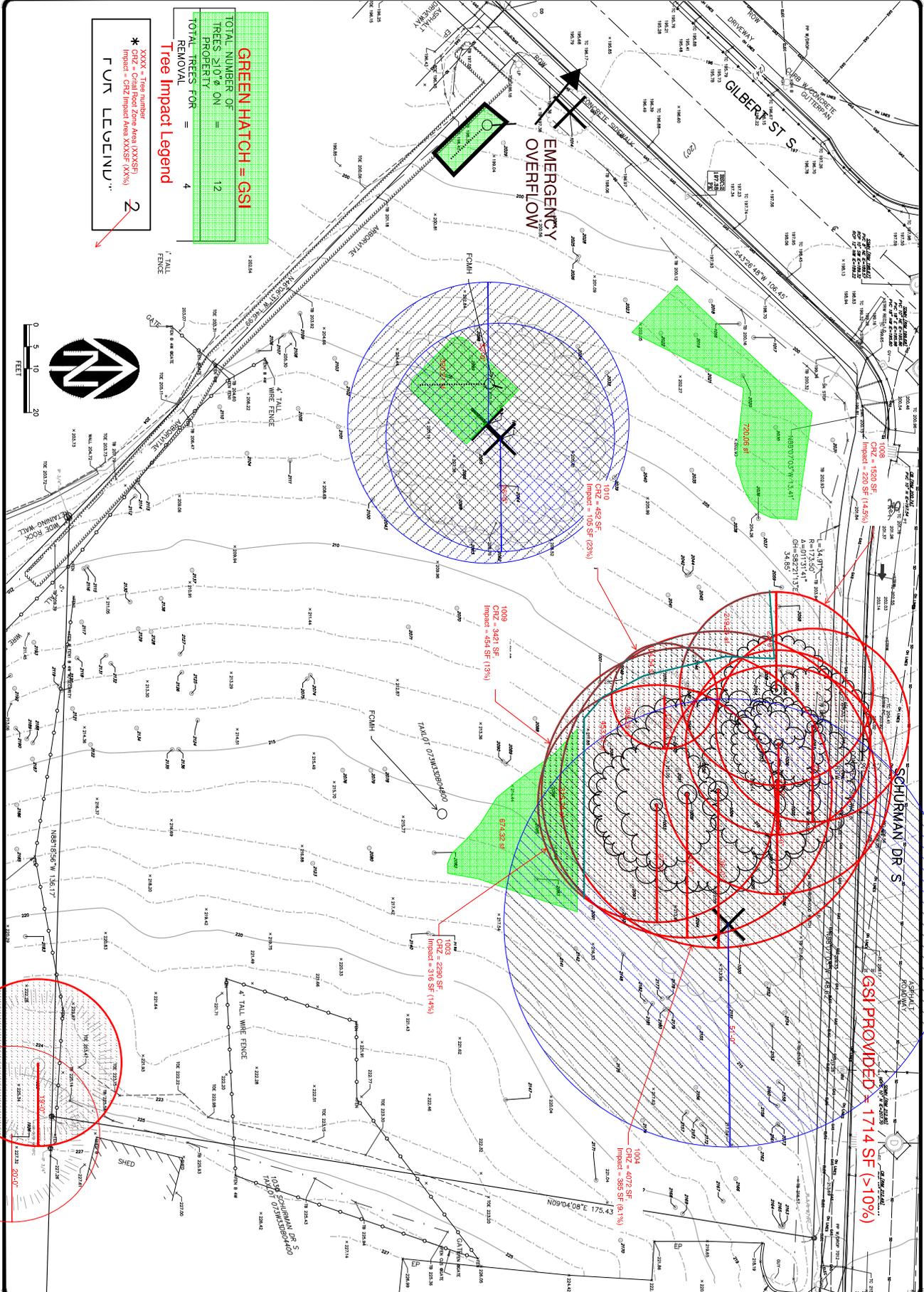
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



0 100 200 400 Feet



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GREEN HATCH = GSI

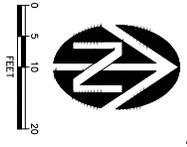
TOTAL NUMBER OF TREES TO BE REMOVED FROM PROPERTY = 12

TOTAL TREES FOR REMOVAL = 4

Tree Impact Legend

XXXX - Tree Number
 * Impact - CRZ Impact Area XXXXSF (XX%)
 ** Impact - GSI Impact Area XXXXSF (XX%)

FUR LEGEND 2



CLUTCH INDUSTRIES INC SCHURMAN COTTAGES TREE REMOVAL PLAN	 WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS 3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97306 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westech@westech-eng.com		VERIFY SCALE 1" = 100' 0 = 100'	DSN. JW DRN. JH CKD. JW DATE: OCT 2024	NO. 1 DATE DESCRIPTION REVISIONS	BY
			JOB NUMBER 3541-1000.0			

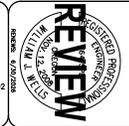
TREE TABLE

Point No.	Tree Description						
1000	DECID 8 4	2043	DECID 4 5	2097	DECID 5 6	2147	DECID 7 10
1001	DECID 8 8	2044	DECID 4 1	2098	DECID 5 8	2148	DECID 8 14
1002 *	MAPLE 10 14	2045	DECID 4 1	2099	DECID 5 4	2151	DECID 4 4
* 1003	OAK 27 16	2046	DECID 5 2	2100	DECID 4 4	2152	DECID 4 4
* 1004	OAK 36 26	2047	DECID 4 6	2101	DECID 6 6	2153	DECID 8 6
* 1005	OAK 26 20	2048	DECID 5 3	2102	DECID 5 2	2154	DECID 4 3
* 1006	OAK 21 12	2049	DECID 4 5	2103	DECID 5 2	2155	DECID 5 4
* 1007	OAK 22 15	2050	DECID 4 5	2104	DECID 5 4	2156	DECID 5 4
* 1008	OAK 22 14	2051	DECID 4 3	2105	DECID 4 7	2157	DECID 7 6
* 1009	OAK 33 25	2052	DECID 4 3	2106	DECID 4 6	2158	DECID 6 5
1010	FIR 12 7	2053	DECID 4 4	2107	DECID 4 5	2159	DECID 5 6
* 1011	OAK 51 20	2054	DECID 4 4	2108	DECID 4 3	2160	DECID 4 5
* 1012	OAK 26 27	2055	DECID 5 3	2109	DECID 4 3	2161	DECID 6 5
* 1013	OAK 32 28	2056	DECID 4 2	2110	DECID 8 5	2162	DECID 4 3
1014	POPLAR 10 6	2058	DECID 8 11	2111	DECID 5 8	2163	DECID 4 2
1015 *	POPLAR 10 6	2059	HOLLY 4 5	2112	DECID 7 7 X2	2164	DECID 4 2
1016	POPLAR 8 5	2062	DECID 6 4	2113	DECID 6 5 X2	2165	DECID 6 3
1017	POPLAR 9 8	2063	DECID 4 4	2114	DECID 6 5	2166	DECID 5 6
1018 *	DECID 10 11	2064	DECID 6 12	2115	DECID 4 6	2167	DECID 5 3
* 1751(1)	FIR 37 18	2065	DECID 6 6	2116	DECID 4 3	2168	DECID 6 6
1755(1)	OAK 19 12	2066	DECID 5 4	2117	DECID 6 5	2169	DECID 6 5
1925(1)	FIR 19 12	2068	DECID 4 2	2118	DECID 5 6	2170	DECID 6 9
1926(1)	FIR 20 15	2070	DECID 4 3	2119	DECID 7 9	2171	DECID 9 7
2018	POPLAR 7 7	2071	DECID 7 6	2120	DECID 5 3	2172	DECID 4 3
2019	DECID 7 4	2073	DECID 6 6	2121	DECID 7 4	2173	DECID 5 3
2020	DECID 8 4	2074	APPLE 6 8	2122	DECID 5 2	2174	DECID 4 6
2021	DECID 5 4	2075	APPLE 5 3	2123	DECID 6 5 X2	2175	DECID 4 5
2022	DECID 4 6	2076	DECID 4 1	2124	DECID 6 10	2177	DECID 4 4
2023	ASH 5 7	2078	DECID 4 1 X2	2125	DECID 4 2	2178	DECID 4 4
2024	DECID 4 4	2079	DECID 5 2	2126	DECID 7 5	2179	DECID 4 4
2025	HOLLY 4 4	2080	DECID 5 3 X2	2127	DECID 4 2	2180	DECID 5 4
2026	HOLLY 5 4	2082	DECID 7 10	2128	DECID 5 5	2181	DECID 5 3
2027	ASH 4 3	2083	DECID 6 10	2129	DECID 5 4	2182	DECID 6 4
2028	DECID 5 4 X2	2084	DECID 6 7	2130	DECID 5 9	2183	DECID 8 12
2029	DECID 5 2	2085	DECID 7 8	2131	DECID 5 4	2184 *	DECID 12 4 X3
2030	DECID 4 2	2086	DECID 6 6	2132	DECID 4 4	2185	DECID 4 6
2031	CHERRY 4 6	2087	DECID 4 5	2133 *	DECID 10 7	2186	DECID 4 5
2033	DECID 7 4	2088	DECID 7 9	2134	DECID 7 9	2187	DECID 4 3
2035	DECID 6 3	2089	DECID 5 6	2135	DECID 4 3	2188	DECID 4 3
2036	DECID 9 5	2090	DECID 4 4	2136	DECID 4 5	2189	DECID 4 5
2037	DECID 4 2	2091	DECID 7 4	2137	DECID 5 7	2190	DECID 4 5
2038	DECID 4 3	2092	DECID 5 5	2138	DECID 4 6	2191	DECID 8 8
2039	DECID 6 2	2093	DECID 5 4	2139	DECID 8 12		
2040	DECID 5 2	2094	DECID 7 4	2140	DECID 5 7 X2		
2041	DECID 5 3 X2	2095	DECID 5 9	2141	DECID 6 8		
2042	DECID 4 2	2096	DECID 4 4	2142	DECID 7 5		

(1) NOT ON PROPERTY

TREE LEGEND

POINT #	TREE TYPE	TREE DESCRIPTION	DRIP LINE #
###	TREE TYPE	TREE DESCRIPTION	#
LABEL ON PLAN	TYPE OF TREE	TREE DIAMETER @ BREAST HEIGHT (IN)	DRIP LINE (FT)
*	SIGNIFICANT TREE	SIGNIFICANT TREE OAK TREE ≥ 20" Ø OR OTHER ≥ 3" Ø	
	TREE ≥ 10" Ø BREAST HEIGHT		
	TREE REMOVAL		
*	TREE REMOVED IN 2024		

CLUTCH INDUSTRIES INC SCHURMAN COTTAGES TREE REMOVAL LEGEND	 WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS 3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97306 Phone: (503) 585-2474 Fac: (503) 585-3986 E-mail: westech@westech-eng.com		VERIFY SCALE 0 1'	DSN. JW DRN. JH CKD. JW	NO. 1 DATE	DESCRIPTION REVISIONS	BY
			JOB NUMBER 3541.1000.0	DRAWING CO.2	DATE: OCT 2024		



MEMO

TO: Peter Domine, Planner II
Community Planning and Development Department

FROM: Aaron Panko, Infrastructure Planner III
Community Planning and Development Department

DATE: February 11, 2025

SUBJECT: **Infrastructure Memo**
TRV-DAP25-01 (24-125192-PLN)
1000 Block of Schurman Drive S
Cottage Cluster

PROPOSAL

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

RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to building permit issuance, the applicant shall submit a site plan that demonstrates the proposed driveway approach serving the development is in compliance with applicable vision clearance requirements of SRC Chapter 805.

EXISTING CONDITIONS – INFRASTRUCTURE

The existing conditions of streets abutting the subject property are described in the following table:

Streets			
Street Name		Right-of-way Width	Improvement Width
30Schurman Drive S (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	55-feet	30-feet

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

Gilbert Street S (Local)	Standard:	60-feet	30-feet
	Existing Condition:	45-feet	30-feet

The existing conditions of public infrastructure available to serve the subject property are described in the following table:

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level: S-1
	A 12-inch water main is located in Schurman Drive S.
	A 12-inch water main is located in Gilbert Street S.
Sanitary Sewer	An 8-inch sanitary sewer main is located at the intersection of Gilbert Street S and Schurman Drive S.
Storm Drainage	An 18-inch storm main is located in Schurman Drive S.
Parks	The proposed development is served by Fairmount Park, a neighborhood park, less than one-half mile north of the subject property.

NATURAL RESOURCES

SRC 601 – Floodplain: The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 809 – Wetlands: According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

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.

Finding: According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed multi-family residential development adds 2 activity points to the proposal, which results in a total of 4 points indicating a low landslide hazard risk; therefore, a geological assessment is not required.

CLASS 2 DRIVEWAY APPROACH PERMIT DECISION CRITERIA

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is

grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The applicant proposes one new driveway approach onto Gilbert Street S, this street is classified as a local street according to the Salem Transportation System Plan. The proposed driveway approach meets the standards within SRC 804.030 relating to permitted access onto local streets. In addition, the proposed driveway approach complies with the maximum driveway approach width standard. Per SRC Chapter 804, Table 804-2, a two-way driveway approach serving uses other than single family, two family, three family, or four family requires a minimum width of 22 feet and maximum width of 40 feet. The proposed driveway approach is 24 feet in width, within the minimum and maximum allowance. Staff finds that the proposed driveway meets the standards for SRC Chapter 804 and Public Works Design Standards (PWDS). This criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: Development Services has reviewed the proposal and determined that no site conditions existing prohibiting the location of the proposed driveway. This criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: One driveway approach is proposed to Gilbert Street S which is classified as a local street. The proposed driveway is not accessing onto an arterial street. This criterion is not applicable.

SRC 804.025(d)(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 applicant proposes one driveway approach to serve an 11-unit cottage cluster development. A shared driveway approach with neighboring property is not proposed. The subject property has frontage on Schurman Drive S, classified as a collector street, and Gilbert Street S, classified as a local street. The proposed driveway is located with access to Gilbert Street S, the lowest classification of street abutting the subject property. Therefore, the proposed driveway approach meets the approval criteria by taking access from the lowest classification of street abutting the property. This criterion is met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The preliminary site plan shows a retaining wall within the required vision clearance area for the Driveway Approach. The site plan does not provide details regarding the height of the retaining wall. SRC 805.010 prohibits obstructions to vision clearance from 30 inches above curb level to 8.5 feet above curb level; it is unclear from the information provided if the retaining wall complies with the 30-inch height restriction. As a condition of approval, prior to building permit issuance the applicant shall submit a site plan demonstrating the driveway approach serving the proposed cottage cluster development complies with applicable Vision Clearance Standards in SRC Chapter 805. With this condition of approval, the driveway approach will comply with the Vision Clearance Standards established in SRC Chapter 805.

Condition: Prior to building permit issuance, the applicant shall submit a site plan that demonstrates the proposed driveway approach serving the development is in compliance with applicable vision clearance requirements of SRC Chapter 805.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, Development Services' analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: Development Services' analysis of the proposed driveway indicates that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The property is located on the corner of a collector street (Schurman Drive S) and a local street (Gilbert Street S). The applicant is proposing a driveway to the lower classification of street. The proposed driveway approach is located along the western property corner and placed as far away from the street intersection as practicable. By complying with the requirements of this chapter the applicant has minimized impacts to the functionality of adjacent streets and intersections. This criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The subject property is residentially zoned, and the proposed development is surrounded by residentially zoned property. The proposed development abuts two streets, Schurman Drive S which is a collector street, and Gilbert Street S which is a local street. Access to the proposed driveway is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets. This criterion is met.

RESPONSE TO COMMENTS

1. **On-Street Parking:** Comments received indicate a concern that the driveway approach permit fails to demonstrate a need to eliminate on-street parking spots on Gilbert Street S that are in high demand.

Staff Response: Gilbert Street S has an improvement width of approximately 30 feet and allows for on-street parking on the eastern side of the street; however, on-street parking is not permitted along the west side of the street. Additionally, on the east side of the street along the frontage of the subject property there is approximately 50 feet of yellow curb (No Parking) approaching the stop sign at the intersection with Schurman.

The approval criteria for a Class 2 Driveway Approach Permit in SRC Chapter 804 does not require an analysis of impacts to on-street parking availability; therefore, the applicant is not required to address impacts to on-street parking when requesting a driveway approach.

There is no minimum standard for on-street parking along residential/local streets. The Parking Management Element of the Salem Transportation System Plan, *Policy 1.1 Priority of On-Street Parking Facilities*, provides that on-street parking is second in priority to the needs of the travel modes (i.e., vehicle, transit, bicycle, pedestrian) using the street right-of-way. The new driveway will remove the equivalent of one on-street parking space but is necessary to provide access to eleven parking spaces in the proposed off-street parking area. Alternatively, if the cottage cluster development was not served by a driveway or off-street parking area, all resident parking would occur on-street.

2. **Driveway Location:** Comments received indicate a concern that the driveway is too close to the intersection of Gilbert and Schurman and would cause excess traffic and congestion.

Staff Response: SRC Chapter 804 provides development standards for driveway approaches, including minimum spacing standards between driveway approaches and intersections, or to other driveways. For driveways accessing local streets, SRC 804.030(c) does not provide a minimum spacing standard between driveway approaches and intersections or other driveways. However, to minimize vehicle conflicts, in general, driveways are encouraged to provide access from the lowest street classification abutting the property where fewer vehicle trips and lower vehicle speeds are expected. In this case, the proposed driveway takes access from Gilbert Street S, classified as a local street, which has a lower classification than Schurman Drive S, which is classified as a collector street. The driveway approach is also positioned as far away as possible from the intersection of Gilbert and Schurman, while still providing legal access to the property. The Assistant City Traffic Engineer has reviewed the proposed development plans and has indicated no safety concerns with the driveway location.

Prepared by: Aaron Panko, Infrastructure Planner III
cc: File