FOR SPRAB MEETING OF: September 10, 2020
AGENDA ITEM NO.: 7.a

TO: **SALEM PARKS AND RECREATION ADVISORY BOARD**

THROUGH: **ROBERT D. CHANDLER, PhD, PE, ASSISTANT PUBLIC WORKS DIRECTOR**

FROM: **GLENN J. DAVIS, PE, CFM, CHIEF DEVELOPMENT ENGINEER**

SUBJECT: **APPEAL OF STREET TREE REMOVAL DECISION (20-108586-TR)**

ISSUE:

Should the Salem Parks and Recreational Advisory Board (SPRAB) affirm the Public Works Director's decision to allow the removal of five street trees located along the western boundary of 725 Market Street NE (Cottage Street NE frontage) pursuant to the removal criteria found in *Salem Revised Code* (SRC) 86.090(a)?

RECOMMENDATION:

City staff recommends that SPRAB affirm the Director's decision to approve the removal of five street trees located along the western boundary of 725 Market Street NE (Cottage Street NE frontage).

SUMMARY:

Salem-Keizer School District submitted a Site Plan Review application (land use case number SPR20-19) regarding proposed modifications to Grant Community School that include restriping of an off-street parking area and construction of an on-street bus and ADA parking area on Cottage Street NE. The Planning Administrator approved SPR20-19 on June 26, 2020, and City Council affirmed the Planning Administrator's decision on August 24, 2020. Land use case number SRP20-19 was made final August 26, 2020.

The District submitted a street tree removal permit application to remove five existing City trees along Cottage Street NE in order to construct the on-street bus pullout proposed under SPR20-19. On June 16, 2020, the Public Works Director granted approval for removal of the Cottage Street NE trees under Street Tree Removal Permit Application No. 20-108586-TR, conditioned upon approval of and conformance with land use case number SPR20-19. On July 15, 2020, Grant Neighborhood Association filed an appeal of the street tree removal permit decision. Pursuant to SRC 86.095, "An appeal of a decision on a permit application issued by the Director shall be to the Salem Parks and Recreation Advisory Board. The appeal decision by the Salem Parks and Recreation Advisory Board is final; no further appeal or review shall be available."

The appellant's findings correctly discovered factual errors in the application materials and in the Public Works Director's decision document. The factual errors do not materially affect the approval criteria. Staff recommends that SPRAB affirm the Public Works Director's decision to grant approval of street tree removal under 20-108586-TR.

FACTS AND FINDINGS:

1. On May 18, 2020, Salem-Keizer School District submitted a street tree removal permit application to remove five existing City trees along Cottage Street NE in order to construct an on-street bus pullout. The subject property is located in Ward 1 and the Grant Neighborhood Association.

2. The street tree removal along Cottage Street NE relates to a Site Plan Review application (land use case number SPR20-19) regarding proposed modifications to Grant Community School that include restriping of an off-street parking area and construction of an on-street bus and ADA parking area. The Planning Administrator approved SPR20-19 on June 26, 2020, and City Council affirmed the Planning Administrator's decision on August 24, 2020. Land use case number SPR20-19 was made final August 26, 2020.

3. On June 16, 2020, the Public Works Director granted approval for removal of the Cottage Street trees under Street Tree Removal Permit Application No. 20-108586-TR, conditioned upon approval of and conformance with land use case number SPR20-19.

4. On July 15, 2020, Grant Neighborhood Association filed an appeal of the street tree removal permit decision. Pursuant to SRC 86.095, "An appeal of a decision on a permit application issued by the Director shall be to the Salem Parks and Recreation Advisory Board. The appeal decision by the Salem Parks and Recreation Advisory Board is final; no further appeal or review shall be available."

5. On August 10, 2020, a Notice of Public Hearing was posted to provide notice to the applicant and neighbors about the appeal hearing before SPRAB scheduled on September 10, 2020.

6. Staff's response to the appeal submitted by the Grant Neighborhood Association (appellant) is summarized as follows:

    a. The appellant is correct that the proposed construction does not expand an existing bus pull-through, but creates a new bus pullout proposed in conjunction with SPR 20-19.

    b. The appellant is correct that the proposed construction does not add on-street parking spaces, nor was the Official Notice intended to imply that on-street parking spaces were being added.

c. The Urban Forester investigated the Cottage Street NE tree variety, size (diameter breast height), and condition in response to the appellant's letter and provided the following information:

   i. Elm, 4.4 inches, fair condition, Class 3;
   ii. Zelkova, 10.4 inches, good condition, Class 2;
   iii. White Ash, 6.2 inches, good condition, Class 2;
   iv. Elm, 6 inches, fair condition, Class 2; and
   v. Zelkova, 4.5 inches, poor condition, Class 3.

d. The appellant is concerned that the district may remove trees prematurely if the tree removal permit is approved. Based on past practice, street trees removed for street construction are not generally removed until issuance of street construction permits pursuant to SRC 77.090.

e. The appellant suggests that other reasonable alternatives exist that will eliminate the need for street tree removal. However, City Council affirmed the Planning Administrator's approval of SPR20-19 after the decision was appealed by the appellant. Such affirmation approves construction of the bus pullout on Cottage Street NE. The street tree removal permit alternatives are limited to determining whether the bus pullout can be constructed without removing the trees.

f. Administrative Rule 109-500-2.4 establishes the criteria for analysis of reasonable alternatives. For Class 2 trees, Administrative Rule 109-500-2.4(b)(2) states, "Applicants shall still consider alternatives including redesigning the project and use of alternative construction practices/materials, and must be able to demonstrate why potential alternatives are not reasonable." For Class 3 trees, the rule states, "Applicants must merely demonstrate that they considered alternatives to removal or root pruning, and no alternative exists that would cost roughly the same or would merely require minor modifications to the proposed project." Because retaining the trees would create an obstruction for bus traffic and loading/unloading areas, removal of the street trees is required to construct the bus pullout.

7. Pursuant to SRC 86.095(e), appeals for street tree removal decisions are referred to SPRAB. In its decision, SPRAB may affirm, amend, or rescind the action, or refer the matter to staff for additional information.

In conclusion, staff finds that the tree removal criterion for construction with no reasonable alternatives has been met. Therefore, staff recommends that SPRAB affirm the Director's decision to approve the tree removal permit.

Prepared by: Jennifer Scott, Program Manager, August 31, 2020

cc: Sam Skillern, Co-Chair, Grant Neighborhood Association, Appellant
Joel Smallwood, Salem-Keizer School District, Applicant

Mark Shipman, Saalfeld Griggs PC, Applicant's Representative

Attachments:
1. Exhibit A – Tree Removal Application and Attachments
2. Exhibit B – Decision of Approval
3. Exhibit C – Notice of Intent to Appeal Document
4. Exhibit D – Land Use Case No. SPR20-19
5. Exhibit E – Grant Neighborhood May 8, 2020 Letter
6. Exhibit F – Public Comments Received

Exhibit A

Street Tree Permit Application

CITY OF Salem AT YOUR SERVICE
Public Works Department

Please send the completed application to the following address:
City of Salem
Public Works Department Development Services
555 Liberty Street SE, Room 325
Salem OR 97301-3513

For Office Use Only
AMANDA Permit #
20-108586-TR

SECTION 1: GENERAL INFORMATION

Site Address 725 Market Street NE, Salem, Oregon 97301
Trees must be on property owner's frontage.

Property Owner Name Salem-Keizer School District 24J

Email smallwoodjoel@salkeiz.k12.or.us & MShipman@sglaw.com Phone 503-399-3290 & 503-399-1070

Mailing Address 3630 State Street (Street or PO Box) Salem (City) OR (State) 97301 (Zip)

Is the property owner the contractor? If no, provide the contractor's contact information. ☐ **Yes** ☒ **No**

Contractor's Name DAY CPM/Attn: Michael Mackin

Day Phone (503) 593-2241 Evening Phone N/A

Email michael.mackin@otak.com Fax N/A

SECTION 2: WORK TO BE PERFORMED

Please indicate the type of work to be performed.

☐ Prune ☐ Plant ☐ Removal ☑ Other Remove and replace 5 existing trees.

Species/Name Halka Zelkova (Zelkova Serrata) **D.B.H.*** Less than 6"

Note: If your request includes more than one species of tree and/or multiple work types, please attach a separate detail sheet including each species name, diameter, and type of work to be performed.

***D.B.H.: Diameter at breast height. Will be verified by City to confirm required replant/fee-in-lieu.**

Description of Tree(s) Location All trees identified for removal are within the existing parking strip along Cottage Street NE between Market ST and Gaines ST.

Proposed Start Date Pend. Approval of LU App. Proposed Completion Date Pending

Description of work to be completed (if removal is requested, include reason for removal):

See attached written statement.

Note: A work in right-of-way application may be required after review of street tree permit application.

Property Owner Signature Joel Smallwood Date 05/13/2020

SALEM REVISED CODE 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:

1. The tree is dead.
2. The tree is in an advanced state of decline.
3. The tree is structurally unsound and poses an imminent risk to person or property, as determined by a tree risk assessment, and when the risk cannot be mitigated or the tree cannot be made sound by accepted arboricultural practices.
4. The tree is infected with an acute fatal disease that cannot be treated successfully or there is a strong potential that the pathogen could spread and kill other trees in the immediate vicinity (e.g., Dutch Elm Disease).
5. The tree is infested with an insect that cannot be treated successfully or there is a high likelihood that the infestation could spread and kill other trees or vegetation in the immediate vicinity (e.g., Emerald Ash Borer).
6. When City trees have been planted too close to each other based on administrative rules and the spacing causes an adverse effect on neighboring trees. The tree with the greatest vigor will remain unless it meets other criteria for removal. The applicant shall bear the cost of tree and stump removal.
7. When past pruning and other tree maintenance practices, other than required electrical line clearance, has destroyed the natural shape of the tree or caused the tree to go into decline.
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.
9. The Director may permit the removal of a City tree if the tree is having an adverse effect on adjacent infrastructure and that effect cannot be mitigated by pruning, reasonable alternative construction techniques, or accepted arboricultural practices.

(b) Except as provided in 86.085(b), if a tree is removed pursuant to subsection (a)(8) of this section, the tree will be replaced in conformance with the applicable administrative rules and Public Works Design Standards.

(c) The City shall not permit the removal of a City tree for any other reason, including but not limited to the following, unless the criteria for a variance has been approved:

1. Dropping of leaves, flowers, seeds, bark, sap, stems, pests, or other matter.
2. Improvement or maintenance of views.
3. Competition with turf or impact on non-plant landscaping (e.g. mulch or gravel).
4. Common allergies.
5. Damage to items that have been placed too close to the trunk such as pavers, bricks, blocks, and concrete.

SALEM•KEIZER PUBLIC SCHOOLS

CHRISTY PERRY, Superintendent
2450 Lancaster Drive NE • PO Box 12024
Salem, Oregon 97309-0024
503-399-3001

August 21, 2019

To: Entities and Organizations Conducting or Facilitating Business with Salem-Keizer Public Schools

This letter serves as verification that the following Salem-Keizer Public Schools (SKPS) employees are authorized to sign all applications, contracts, and related documents for land use, renovation, development, and construction of school facilities.

- Mike Wolfe, Chief Operations Officer
- Joel Smallwood, Director of Maintenance & Construction Services

This signature authority is in accordance with the following items approved/adopted by the SKPS school board at its June 11, 2019, board meeting:

- Resolution No. 201819-14 "Delegating Contract and Purchasing Authority"
- Board Action Item 7.f "Delegate Authority to Complete Property Transactions to Support Timely Delivery of 2018 Bond Program"

Referenced documents and noted actions are available on the SKPS website, specifically the school board webpage: https://salkeiz.k12.or.us/schoolboard/.

Sincerely,

Christy M. Perry

Christy Perry
Superintendent

TREE REMOVAL PERMIT - WRITTEN STATEMENT
GRANT COMMUNITY SCHOOL
725 MARKET STREET NE, SALEM

SRC 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.

Salem-Keizer School District 24J (the "***Applicant***") is requesting a permit to remove five (5) City owned trees adjacent to Cottage Street NE. These trees are less than six (6) inches dbh and, as indicated on the application form, are not significant trees under the SRC. The removal of these trees is necessary to allow for the installation of the proposed ADA parking spaces and associated ramp. The trees cannot remain in place without narrowing the adjacent sidewalk between the parking strip and the school building.

Applicant previously provided plans for review by the City of Salem, Public Works comments in response to Applicant's original proposed plan to retain the trees indicated that due to the proximity of the adjacent building and the proposed cutout for the additional ADA spaces, the sidewalk will be too narrow to allow Applicant to retain the existing trees. There is not a reasonable alternative that will allow for the retention of the existing trees or for the replacement of the trees within the parking strip, in conformance with the applicable Public Works Standards.

(b) Except as provided in 86.085(b), if a tree is removed pursuant to subsection (a)(8) of this section, the tree will be replaced in conformance with the applicable administrative rules and Public Works Design Standards.

Under the existing Public Works Standards, replacement of the trees is only required when the street trees as at least six (6) inches dbh. As none of the trees exceed that size, Applicant is not obligated to replace any of the trees. However, Applicant is proposing to plant five (5) trees on the Subject Property, with four of them adjacent to the location of the trees designated for removal in hopes of mitigating any impact on the neighborhood aesthetics. Applicant has satisfied all of the applicable criteria and requests that the permit be approved.

Exhibit B

CITY OF Salem AT YOUR SERVICE
Public Works Department
555 Liberty Street SE / Room 325 • Salem OR 97301-3513 • Phone 503-588-6211 • Fax 503-588-6025

NOTICE OF TREE REMOVAL

EFFECTIVE DATE: JULY 17, 2020 *(if no appeal is filed)*

STREET TREE REMOVAL PERMIT APPLICATION NO.: 20-108586-TR

NOTICE OF DECISION DATE: June 16, 2020

REQUEST: A Street Tree Removal Permit application to remove five (5) Halka Zelkova trees measuring less than 6 inches each located within the Cottage Street NE right-of-way.

APPLICANT: Mark Shipman, Saalfeld Griggs PC, on behalf of: Joel Smallwood, Salem-Keizer School District

LOCATION: 725 Market Street NE, Salem OR 97301 - Marion County Assessor's Map and Tax Lot numbers: 073W23BC 05400

CRITERIA: Criteria for street tree removal is found in SRC 86.090(a).

FINDINGS: The trees proposed for removal meet the criteria described in SRC 86.090(a)(8) because there are no reasonable alternatives available to accommodate the proposed construction to expand the existing bus pullout and on-street parking area.

DECISION: The Public Works Director **GRANTED** Street Tree Removal Permit Application No. 20-108586-TR subject to the applicable standards of the Salem Revised Code, conditioned upon approval of and conformance with land use case number SPR20-19.

Case Manager: Jennifer Scott, jrscott@cityofsalem.net

This decision is final unless written appeal is filed with the City of Salem Public Works Division, Room 325, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., Thursday, July 16, 2020. The notice of intent to appeal must state the basis of the appeal and why the decision was in error. 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 Parks and Recreation Advisory Board will review the appeal at a public hearing. After the hearing, the Salem Parks and Recreation Advisory Board may affirm, amend, or rescind 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 Public Works Department, Room 325, 555 Liberty Street SE, during regular business hours.

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6211

GRANT NEIGHBORHOOD ASSOCIATION

SALEM OREGON

July 15, 2020

Jennifer Scott
City of Salem, Public Works Department
555 Liberty ST SE, Room 325
Salem, OR 97301-3513

Re: **STREET TREE REMOVAL PERMIT APPLICATION NO. 20-108586-TR**
Grant Neighborhood - Grant Community School

Dear Ms. Scott and Public Works Department,

This letter and accompanying filing fee of $285 represents the official appeal by Grant Neighborhood Association pursuant to the Notice issued June 16, 2020.

Grounds for Appeal:

From the notice/permit, it appears the Permit was granted on erroneous information. Since those errors are material assertions in the **Request, Location,** and **Findings** sections of the Permit, we reasonably presume the Permit was issued in error and the Department would not have come to the same Finding if it were operating on the correct information, and might not have issued the Permit.

1. **Error #1 in Official Notice sent by email and posted on Trees.** The notice/permit states, "[T]he proposed construction [is] to expand the existing bus pull-through." There is NO bus traffic and no "existing bus pull-through" on Cottage Street. This construction would be new construction for a new operation, not a modification to an existing operation.

2. **Error #2 in Official Notice sent by email and posted on Trees.** The notice/permit states, "[T]he proposed construction [is] to expand the ... on-street parking area." This construction would repurpose a long section of the parking curb on the east side of Cottage, reserving it for bus pick-ups and drop-offs, and removing 7 to 9 parking spaces. Since the school currently has only 8 spaces on-site and 19 classrooms, loss of those parking spaces will be a great loss to the staff in the school and the local residents. The project's proposed expansion is to increase the pavement area of the street; it does not increase any of the actual parking area when it is defined as a parking space. As stated above, it removes parking spaces. The statement that this project would "expand the on-street parking area" is totally erroneous.

3. **Error #3 in Official Notice sent by email and posted on Trees (photo attached).** The notice/permit states that all five trees to be removed are Halka Zelkova. But only one of the five is a Halka Zelkova tree.

4. **Error #4 in Official Notice sent by email and posted on Trees.** The notice/permit states that all five trees are less than 6" in diameter. In fact, according to Diameter at Breast Height (DBH) methodology, only 1 tree meets this requirement. The DBH methodology:
   a. measures the trunk circumference of the tree at 48 inches from the ground,
   b. divides circumference by Pi (3.14), and
   c. rounds up to find DBH measurement
   d. Measurements show that 4 of the five trees are 6" or larger by DBH measurement:
      i. 10.3 inches (11-inch DBH),
      ii. 6.05 inches (7-inch DBH),
      iii. 6.05 inches (7-inch DBH), and
      iv. 5.07 inches (6-inch DBH).

6. **Error #5 in Official Notice sent by email and posted on Trees.** The notice/permit states, "The trees proposed for removal meet the criteria described in SRC 86.090(a)(8) because there are no reasonable alternatives available to accommodate the proposed construction ..." This somewhat misrepresents the applicable clause of the SRC. That clause states, "The Director may permit the removal of a City tree due to construction if there is no reasonable alternative." And that is the end of the sentence, leaving open the aspects of the project that may be considered *in the alternative*. The Neighborhood Association has presented to the District and to the City several "reasonable alternatives" to removing those trees and constructing a new bus pullout on Cottage Street. Though the District has initially rejected those alternatives, no independent observer has yet examined those proposals to determine whether they are "reasonable alternatives."

As the City's Planning Department knows, the Neighborhood Association and the School District are in robust and positive negotiations to seek alternative solutions to the bus-lane project and, in turn, the removal of trees and green-space. The District has notified us in writing that this exploration process will run into the fall based on the different committees and task forces which need to review the alternatives. Giving permission to cut the trees down on July 17 would be unnecessarily hasty given the District's stated schedule. Moreover, since alternatives are being sought as described above, the decision to cut down the trees violates Sec. 86.090-8.

TITLE VII - PERMITS, STREETS, AND PUBLIC WAYS
Sec. 86.090. - City tree removal criteria.

(a)(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.

Even with good intentions, a premature approval to cut the trees far in advance of the actual need

leaves the door open for mistakes. It is not uncommon on development projects for a subcontractor or worker to mistakenly proceed with a task or action. In fact, this has already happened once on the Grant School project, requiring a work stoppage. Granting approval now for tree removal unnecessarily exposes them to a similar mistake.

Moreover, COVID-19 school-attendance precautions being formulated by the Governor, the Oregon Department of Education, and Salem-Keizer Public Schools make it very unlikely that the medically-fragile students in the Medically Developmental Learning Center (MDLC) would actually accept students at Grant this fall. Again, a July 17 tree-cutting permission date is extremely premature given the very real possibility students will not be able to attend school.

All five trees were planted under the direction of the City of Salem's Arborist in partnership with Grant School teachers, parents and students, as well as Grant Neighborhood Association. They were planted during several "Earth Day/Tree City" beautification events at Grant School in the month of April over a period of years, an event the Mayor of Salem regularly attended. It seems like bad planning at best, and a violation of the City's own code, to remove these trees (see below).

TITLE VII - PERMITS, STREETS, AND PUBLIC WAYS
Section 86: Trees on City-owned Property
Sec. 86.005. – Purpose

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. It is hereby declared that the public interest and welfare requires that the City conduct a program for the planting, maintenance, preservation, and removal of city trees, and that the City promote the development of tree canopy cover of all trees on city property.

Removing the trees for a bus lane (as detailed in the attached letter from Grant Neighborhood Association) will have three negative impacts apart from the loss of canopy, shade, carbon-reduction, and beauty: a) Fewer trees will mean higher car speeds on Cottage Street; b) The loss of the trees and the parking strip means the loss of 7-9 parking spots in a neighborhood that has terrible (documented by City) parking problems; and, c) The loss of street trees can lead to increased crime in a neighborhood that has been overcoming crime. *"Green Cities, Green Health" 2018, Urban Forestry/Urban Greening Research, USDA Forest Service and University of Washington.*

Sincerely,

Sam Skillern
Co-Chair,
Grant Neighborhood Association
sam@salemlf.org

Exhibit D

CITY OF Salem AT YOUR SERVICE
COMMUNITY DEVELOPMENT DEPARTMENT
555 Liberty St. SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

August 26, 2020

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

NOTICE OF FINAL LAND USE DECISION ***Site Plan Review* Case No. *SPR20-19* for Property located at *725 Market St NE***

YOU ARE HEREBY NOTIFIED that the **City Council,** at their August 24, 2020 session, adopting findings affirming the Planning Administrator's decision. A copy of the Order is attached.

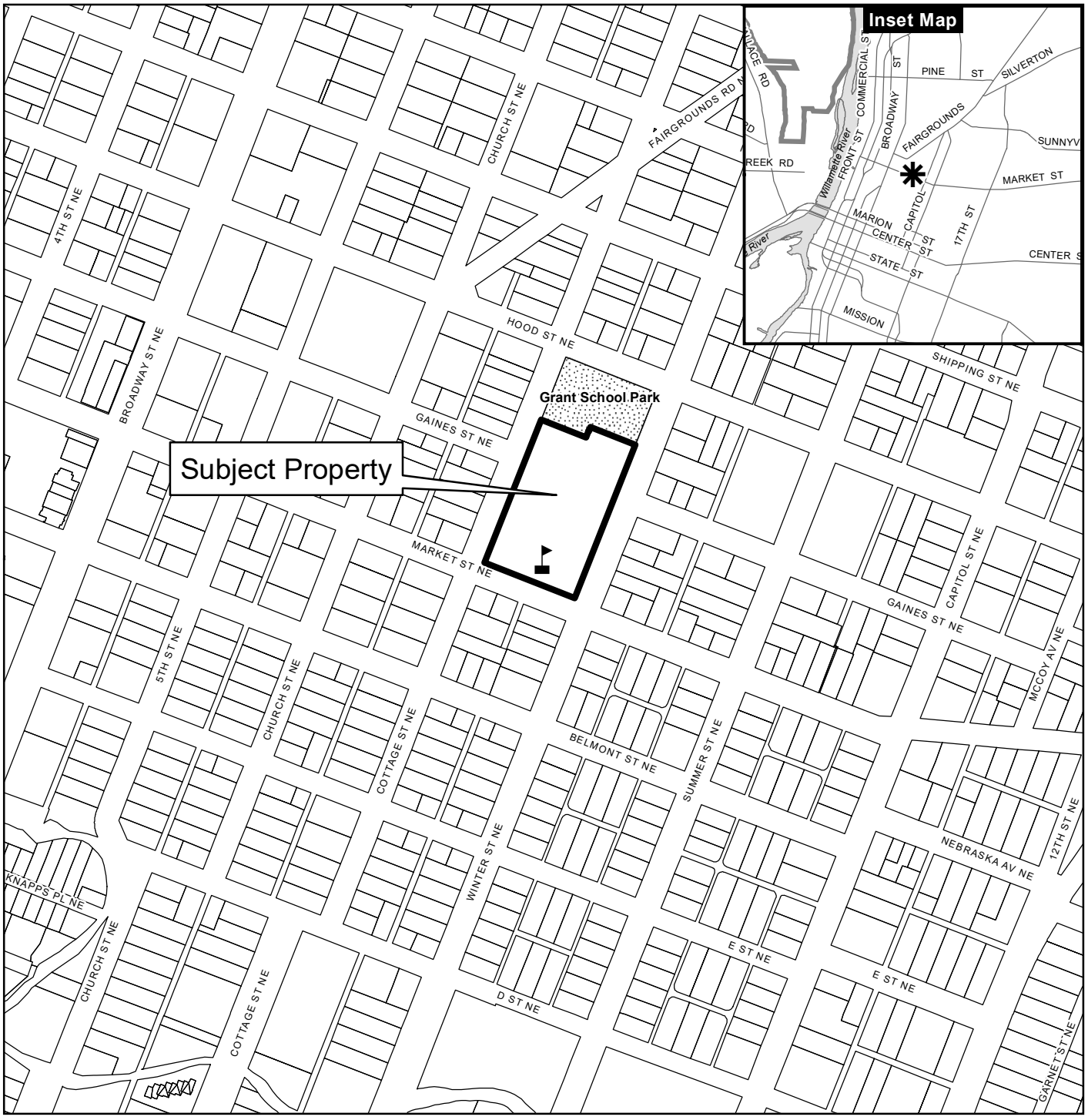
Any person with standing may appeal the Planning Commission's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days** after **August 26, 2020**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file, including findings, conclusions, modifications, and conditions of approval, if any is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173. For access to case related documents during the closure of City Hall to the public because of the Covid-19 pandemic, please contact the Case Manager: Pamela Cole, 503-540-2309, pcole@cityofsalem.net.

Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachment: Order for Case No. SPR20-19

Vicinity Map
725 Market St NE



Legend

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

0 100 200 400 Feet

CITY OF Salem AT YOUR SERVICE
Community Development Dept.

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LEGEND

SAWCUT LINE

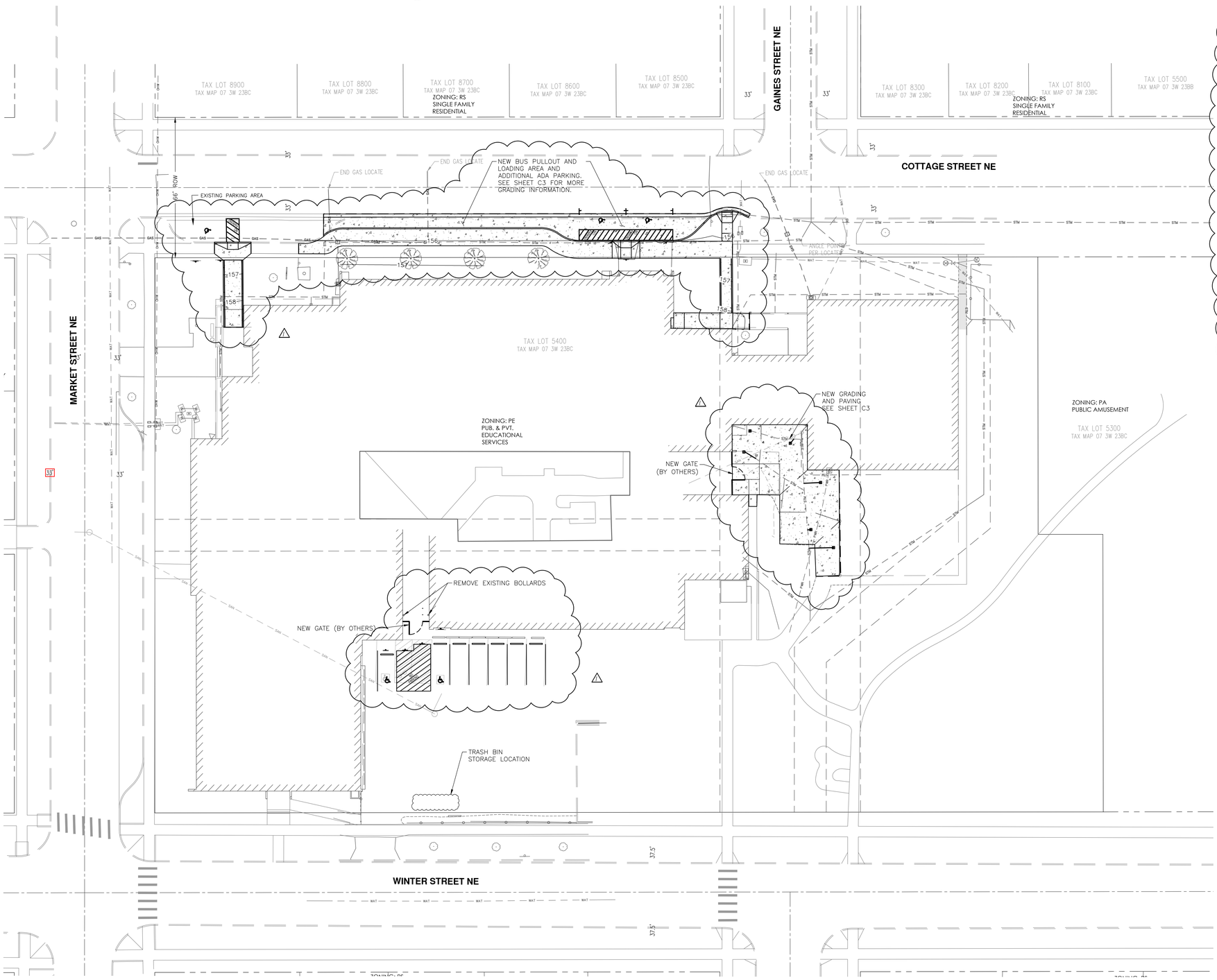
PROPOSED NEW PAVING

PROPOSED STREET TREE WITH 4'X4' GRATE

PROPOSED NEW 22'X14' ADA PARALLEL PARKING SPACE

PUBLIC PAVEMENT REPLACEMENT

EXISTING PAVEMENT TO BE REMOVED: xx SF
PROPOSED NEW PAVEMENT: xx SF
INCREASE/DECREASED PAVEMENT: xx SF



SUMMARY TABLE

TOTAL SITE AREA: 112,291 SF (2.58 AC)

LAND USE: PUBLIC SERVICES/EDUCATION SERVICES/BASIC EDUCATION

BUILDING HEIGHT:	27'-4"
GROSS FLOOR AREA:	46,244 SF
EXISTING CLASSROOMS:	19

REQUIRED OFF-STREET PARKING
(2 STALLS X 19 CLASSROOMS): 38

EXISTING PARKING:

STANDARD STALLS:	5
ADA STALLS:	2 (ONE VAN ACCESSIBLE)
TOTAL:	7

PROPOSED PARKING:

STANDARD STALLS:	5
ADA STALLS	2 (ONE VAN ACCESSIBLE)
TOTAL:	7

NOTE: BECAUSE THERE IS NO CHANGE OF USE, ADDITIONAL GROSS FLOOR AREA OR INCREASE IN NUMBER OF CLASSROOMS, THERE IS NO REQUIREMENT FROM THE CITY AT THIS TIME FOR OFF-STREET PARKING TO BE ADDED TO THE EXISTING PARKING AREA IN ORDER TO CONFORM TO MINIMUM PARKING STANDARDS.

REQUIRED BICYCLE PARKING
(2 SPACES X 19 CLASSROOMS): 38

EXISTING PARKING:	40 (NON-CONFORMING RACKS)
PROPOSED PARKING:	NO PROPOSED CHANGES

NOTE: BECAUSE THERE IS NO CHANGE OF USE, ADDITIONAL GROSS FLOOR AREA OR INCREASE IN NUMBER OF CLASSROOMS, THERE IS NO REQUIREMENT FROM THE CITY AT THIS TIME FOR BICYCLE PARKING TO BE ADDED TO THE EXISTING BIKE PARKING AREA.

SITE COVERAGE:

EXISTING:		
TOTAL SITE:	112,291 SF	100.0%
BUILDING ROOF:	51,450 SF	45.8%
AC AND CONC. PAVING:	23,953 SF	21.3%
LAWN & LANDSCAPE:	36,888 SF	32.9%
PROPOSED:		
TOTAL SITE:	112,291 SF	100.0%
BUILDING ROOF:	51,450 SF	45.8%
AC & CONC. PAVING:	23,983 SF	21.4%
LAWN & LANDSCAPE:	36,858 SF	32.8%

ON-SITE PAVEMENT REPLACEMENT:

EXISTING PAVEMENT TO BE REMOVED:	2,854 SF
PROPOSED NEW PAVEMENT:	2,884 SF
INCREASE TO TOTAL SITE PAVING:	30 SF

BBT ARCHITECTS
1140 sw Simpson Ave. - Suite 200
Bend, Oregon 97702
t 541.382.5535 | f 541.389.8033

REGISTERED PROFESSIONAL ENGINEER
DIGITALLY SIGNED
OREGON
NATHAN PATTERSON
EXPIRES: DECEMBER 31, 2020

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SALEM-KEIZER SCHOOL DISTRICT GRANT COMMUNITY SCHOOL RENOVATION

725 MARKET ST NE
SALEM, OR 97301

No.	Description	Date
3	ADDENDUM 03	03/30/20
1	CITY COMMENTS	04/21/20

Project Number 1920
Date 02.21.2020

PERMIT SET

PROPOSED
SITE PLAN

C2

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF APPROVAL OF SITE PLAN REVIEW CASE NO. SPR20-19	)	**ORDER NO. 2020-3 SPR20-19 SITE PLAN REVIEW CASE NO. SPR20-19**
725 MARKET STREET NE	)	

This matter coming regularly for hearing before the City Council, at its August 10, 2020 meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming the decision of the Planning Administrator in Class 3 Site Plan Review Case No. SPR20-19, and approving the application.

PROCEDURAL FINDINGS:

(a) On February 27, 2020, Joel Smallwood, on behalf of Salem-Keizer Public Schools, and represented by Mark Shipman, Saalfeld Griggs Lawyers, filed an application for a Class 3 Site Plan Review application to restripe an existing off-street parking area and to construct an on-street bus and ADA parking area on Cottage Street NE using alternative street standards for the Grant Community School on a 2.59-acre property located in the PE (Public and Private Educational Services) zone at 725 Market Street NE - 97301.

(b) On June 26, 2020, the Planning Administrator issued a decision approving the Class 3 Site Plan Review subject to conditions of approval.

(c) On July 13, 2020, the Grant Neighborhood Association filed an appeal.

(d) On July 13, 2020, at a regularly scheduled meeting, the City Council voted to assume jurisdiction of the appeal. A public hearing before the City Council was scheduled for August 10, 2020.

(e) On August 10, 2020, City Council held a public hearing and received public testimony. A motion was passed to close the public hearing and the City Council conducted deliberations and voted to affirm the Planning Administrator's decision and approve the application. The City Council hereby adopts the findings of fact and conclusions of law in the Decision in their entirety and the supplemental findings of fact found in Exhibit 1.

(f) The 120-day State-mandated deadline for final decision is August 27, 2020.

SUBSTANTIVE FINDINGS:
The City Council adopts the following as findings for this decision:

(a) The Class 3 Site Plan Review application to restripe an off-street parking area and construct an on-street bus and ADA parking area using alternative street standards, as proposed and conditioned, meets the approval criteria set forth in SRC 220.005(f)(3).

(b) The findings, attached hereto as exhibit 1, are incorporated to this decision as set forth herein.

(c) The City Council therefore APPROVES the application.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1. The Planning Administrator's decision for Class 3 Site Plan Review Case No. SPR20-19 is hereby affirmed to include the findings and facts in exhibit 1, and the following conditions of approval:

Condition 1: Replace all of the trees proposed for removal at a ratio of at least 1:1 with street trees within the right-of-way abutting Cottage Street NE and/or private property trees within the setback between the building and the property line abutting Cottage Street NE and adjacent to the proposed bus pullout. The replacement trees shall be at least 2 inches in diameter and of a species approved by the City for placement within planter strips along streets.

Condition 2: Submit a landscape and irrigation plan at the time of building permit review that demonstrates compliance with the requirements of SRC Chapter 807 for any trees to be planted on the school property to replace the removed street trees.

Section 2. This order constitutes the final land use decision and any appeal must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

Exhibit 1: Findings for Class 3 Site Plan Review Case No. SPR20-19

ADOPTED by the City Council this 24th day of August 2020.

ATTEST:

City Recorder

Checked by: Pamela Cole

FACTS & FINDINGS

CLASS 3 SITE PLAN REVIEW
CASE NO. SPR20-19

August 24, 2020

PROCEDURAL FINDINGS

On February 27, 2020, Joel Smallwood, on behalf of Salem-Keizer Public Schools, and represented by Mark Shipman, Saalfeld Griggs Lawyers, filed an application for a Class 3 Site Plan Review application to restripe an existing off-street parking area and to construct an on-street bus and ADA parking area on Cottage Street NE using alternative street standards for the Grant Community School on a 2.59-acre property located in the PE (Public and Private Educational Services) zone at 725 Market Street NE - 97301.

On April 29, 2020, the application was deemed complete upon receipt of a statement from the applicant's representative that information submitted through April 24, 2020 would be the final materials submitted and no additional information would be submitted.

On May 13, 2020, notice of the application was sent to the Grant Neighborhood Association, surrounding property owners, and tenants pursuant to Salem Revised Code requirements.

On June 26, 2020, the Planning Administrator issued a decision approving the Class 3 Site Plan Review subject to conditions of approval.

On July 13, 2020, the Grant Neighborhood Association filed an appeal.

On July 13, 2020, at a regularly scheduled meeting, the City Council voted to assume jurisdiction of the appeal. A public hearing before the City Council was scheduled for August 10, 2020.

On July 17, 2020, notice of the hearing was sent to the Grant Neighborhood Association, surrounding property owners, and tenants pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on July 27, 2020.

On August 10, 2020, City Council held a public hearing and received public testimony. A motion was passed to close the public hearing. The City Council conducted deliberations and voted to affirm the decision of the Planning Administrator, approving the application subject to conditions of approval.

The 120-day State mandated deadline for final decision is August 27, 2020.

1. **Salem Area Comprehensive Plan (SACP)**

   Land Use Plan Map: The subject property is "Community Services-Education" on the Salem Area Comprehensive Plan Map.

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

Growth Management: The subject property is located outside the City's Urban Service Area.

2. Zoning

The subject property is zoned PE (Public and Private Educational Services). The surrounding properties are zoned and used as follows:

North: PA (Public Amusement); park

South: Across Market Street NE, RS (Single Family Residential); single-family dwellings

East: Across Winter Street NE, RS (Single Family Residential); single-family dwellings and nonconforming businesses

West: Across Cottage Street NE, RS (Single Family Residential); single-family dwellings

3. City Department Comments

A. **Fire Department -** The Salem Fire Department submitted comments indicating that the proposed changes do not appear to affect the existing fire department access.

B. **Public Works Department.** The City of Salem Public Works Department, Development Services Section, reviewed the proposal and provided comments indicating that the proposed development meets applicable criteria related to Public Works infrastructure.

C. **Building and Safety Division** – The Salem Community Development Department, Building and Safety Division, submitted comments indicating no concerns.

4. Public Agency and Private Service Provider Comments

No comments were received form public agencies or private service providers.

5. Neighborhood Association Comments and Public Comments

The subject property is within the Grant 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." Grant Neighborhood Association provided comments prior to the comment period ending May 27, 2020. Six comments were received from adjacent property

owners or tenants or members of the public at large prior to the comment deadline. One comment had no objections and five comments of concern were submitted. Staff's responses to the comments were included in the Planning Administrator's decision dated June 26, 2020. The applicant provided a response to comments and a timeline of communications with the neighborhood association and citizens, which were attached to the Planning Administrator's decision dated June 26, 2020.

Additional testimony was received from two persons in opposition after the Planning Administrator's decision was issued. Their concerns are included in the summaries below. Staff's responses to those comments were included in the staff report for the August 10, 2020 Council hearing.

Additional testimony was received from the Grant Neighborhood Association and 17 persons, including 10 Grant Community School students, prior to the Council's hearing on August 10, 2020. Two persons commented in support with a request that pervious pavement be incorporated into the design; 14 persons commented in opposition, and their concerns are included in the summaries below; and the Grant Neighborhood Association requested that Council deny the application unless they impose a condition to move the bus drop-off to Market Street NE or Winter Street NE.

Proposed Location of Bus Parking and Alternatives:
Testimony was received opposing the proposed location and design of the bus pullout on Cottage Street and proposing alternatives such as using the existing Market Street NE bus cut-out for at least a year, using the existing Winter Street NE parking lot, installing smaller concrete pads within the existing parking strip on Cottage Street NE, using Winter Street as-is or with new curb cutouts facing Gaines Street, creating a bus loop with two driveways on Winter Street NE and a bus drop-off area in the existing parking lot, modifying the design of the Cottage Street NE bus pull-out to reduce the length of the bus pull-out and move it closer to Market Street NE to allow students exiting the buses to use the main entrance, restricting car traffic with traffic cones on Cottage Street during drop-off and pick-up, using smaller district-owned vehicles such as mini-vans or SUVs.

Finding: The City is responsible for reviewing the proposal submitted by the applicant. The Council evaluated the applicant's proposal for improvements on Cottage Street NE and found that, with conditions, it meets the criteria for approval of alternative street standards. If the District determines that alternatives to the Cottage Street NE proposal are viable, they may submit a modification of this site plan review application, a new site plan review application, or other applications as required by the City.

Concerned citizens have submitted copies of emails to the District regarding alternatives and the District's responses to those alternatives, and those documents are part of the record for this case. Staff's emails responding to questions by concerned citizens are also part of the record. The applicant's formal response to comments indicates that the District committed to the Neighborhood Association that they would internally review alternative options on Winter Street and Market Street and that they would continue to assess the feasibility of a Winter Street option, but it is in the District's best interest to continue the current site plan review process for the

Cottage Street NE proposal at this time. The applicant's response indicates that the Market Street drop off is a very busy area before and after school, and the buses used for the Medically Developmental Learning Center (MDLC) may be parked for five to 10 minutes as they unload students in wheelchairs or walkers, and this would likely back up westbound traffic on Market Street. The applicant's response indicates that a curb side sidewalk is necessary for bus unloading as students will be exiting from the front of the bus and by wheelchair near the back of the bus, and smaller concrete pads would not provide this ability, and in some cases make drop off more dangerous. The applicant testified that the proposed location of the bus pull-out was selected, in part, so that emergency responders could access the entrance near the Medically Developmental Learning Center (MDLC) Program classrooms on the west side of the building and reduce disruptions in other areas of the school.

Street Trees and Street Tree Removal Permit:
Testimony was received objecting to the removal of street trees and tree canopy in the area of the proposed modifications because students, staff, parents, Neighborhood Association, and neighbors have helped to establish the tree canopy that enhances the neighborhood charm, the tree canopy provides beauty, habitat, and benefits for relief of the climate crisis, and the trees provide shade to un-airconditioned classrooms. Testimony was received asserting errors in the description of proposed work, errors in tree species and diameters, and misinterpretations of applicable criteria in the School District's Street Tree Removal Permit and citing the appeal of that permit by the Grant Neighborhood Association.

Finding: The applicant's response to comments indicates that the proposal includes replacing four of the trees in the green space between the proposed sidewalk and the building and that the District is committed to replacing the trees with larger caliper trees. As conditioned, the applicant will be required to replace all of the removed trees at a minimum ratio of 1:1, the replacement trees must be planted in either the street right-of-way or on the School property, and the replacement trees must be at least 2 inches caliper. The Public Works Department received the testimony regarding the Street Tree Removal Permit and will address it in the appeal of the Street Tree Removal Permit, which is separate from the Class 3 Site Plan Review application.

Proposed Tree Replanting
Testimony was received stating that the proposed conditions requiring tree replacement do not account for the building overhang, the trees will need to be pruned regularly at the building edge, and the city and school district need to propose a better plan to replace the trees at the 1:1 ratio.

Finding: City standards do not prohibit street trees or private property trees from hanging over adjacent buildings. Existing street trees and private property trees around the school currently overhang the building. While the building roof is approximately 6 feet from the property line near the proposed bus pullout, the proposed configuration and conditions of approval would allow placement of trees in an area sufficient in width for root systems and successful establishment. The landscape area between the building foundation and relocated sidewalk would vary from approximately 10 to 15 feet in width adjacent to the bus pullout. For comparison, street standards in the Transportation Systems Plan allow planting areas of 5.5 feet in

width for street trees in collector streets; parking and vehicle use area standards allow landscaped setbacks between parking areas and streets a minimum of six feet in width; and interior parking lot landscaping standards allow planting areas for trees a minimum of five feet in width and 25 square feet in area.

Traffic:
Testimony was received objecting to potential traffic impacts related to the location of the proposed bus pullout, worsening existing congestion at the Cottage and Market intersection and on other adjacent streets at the beginning and end of school days.

Finding: No traffic study is required for the proposed scope of work or the addition of buses to serve the Medically Developmental Learning Center (MDLC) at the existing school. The applicant's response indicates that the Market Street drop off is a very busy area before and after school, and if the buses used for the Medically Developmental Learning Center (MDLC) were parked there for five to 10 minutes as they unload students in wheelchairs or walkers, this would likely back up westbound traffic on Market Street.

Loss of trees and increase in pavement leading to increased vehicle speeds
Testimony was received from the Neighborhood Association in their appeal stating that car speeds will increase because the proposal would increase pavement and provide smaller trees farther from the street.

Finding: The Public Works Department found that the proposal met the applicable criterion, "The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately." The proposal would result in widened pavement, relocation of a property line sidewalk to the curbline, and relocation of a tree planting strip away from the curb. The total length of the section that would be widened is approximately 175 feet. The curb-to-curb pavement width would be increased from approximately 30 feet to 35 feet to allow buses to pull to the side of the street and from approximately 30 feet to 40 feet to create two new ADA spaces similar to the existing curb-to-curb pavement width for the existing ADA spaces near Market Street NE.

The sidewalk in the affected area would be relocated adjacent to the curb and widened from approximately 5 feet to 8 feet. The widened sidewalk allows for an ADA ramp serving two new ADA spaces and additional area for students, including those using wheelchairs and walkers, to enter and exit the bus.

The landscape area between the building and sidewalk near the bus pullout would be widened from approximately 12 feet to approximately 15 feet, including a planter strip approximately five feet wide located in the street right-of-way. The trees that would be replaced do not meet the definition of a mature tree in SRC Chapter 807 (10 inches or greater in diameter at breast height); based on aerial photos, they were planted between 2011 and 2014. To mitigate for the removal of existing trees, the conditions of approval require trees a minimum of two inches in diameter (caliper), which would be larger than the minimum caliper of one inch for an ornamental tree or 1.5 inch for a shade tree that would be required for trees in a landscaped setback under SRC

Chapter 807.

Parking:
Testimony was received objecting to loss of on-street public parking spaces to provide bus parking for the School's use and citing existing on-street parking availability issues such as public parking occupied by teachers and State employees, parents parking in no-parking zones, no available street parking in front of residences during school hours, a lack of garages for residential uses, an insufficient number of off-street parking at the School, and staff refusing to use parking lots offered by Salem Alliance Church. The Neighborhood Association stated in their appeal that the neighbors surrounding the school may request that other on-street spaces near the school be converted to RP-restricted parking if the bus lane is constructed.

Finding: The existing off-street parking at the school is nonconforming with respect to the current minimum parking requirement of two spaces per each of 19 classrooms. Because the proposal does not increase the number of classrooms, the applicant is not required to provide additional off-street parking to remedy the deficiency. Staff could find no record that a parking arrangement between the school and Salem Alliance Church has previously been required by the City to meet off-street parking requirements, and the current proposal requires no such agreement. On-street parking is available to all members of the public, including residents, school staff, State employees, and parents. While the proposal would reduce on-street vehicle parking, it would provide bus parking to serve students, who are also members of the public. The applicant testified that signage may be installed to indicate that the bus parking area would be available to the public for on-street parking during the hours when it is not required for bus parking.

Pedestrian Safety:
Testimony was received regarding potential impacts on pedestrian safety including loss of buffer space between vehicles and the sidewalk and faster traffic on a widened Cottage Street increasing danger for students who cross the street.

Finding: The proposed improvements meet standards for pedestrian connections on private property and, with conditions, meet alternative street standards for public sidewalks.

Bus Maneuvering on Streets:
Testimony was received stating that buses on would have difficulty turning from westbound Market Street to northbound Cottage Street and from Cottage to westbound Gaines Street due to existing street improvements and on-street parking

Finding: No study of bus maneuvering is required for the proposed application. Public Works staff found that the proposed modifications for the bus pullout and ADA parking spaces meet applicable criteria for approval. The District is responsible for determining safe routes for their buses.

Location of Medically Developmental Learning Center (MDLC) Program:
Testimony was received objecting to the School District's choice to locate the proposed Medically Developmental Learning Center (MDLC) at Grant Community

School and requesting comparative reports to show that Grant Community School would be the best location.

Finding: The applicant's response indicates that the District chose Grant Community School as the location in order for children in the program to remain at one location for kindergarten through Grade 5, and that the district determined that the proposed transportation improvements would be part of the project to ensure students in all special programs have the same schedule and similar access to the site as a general education student might experience. An elementary school is a permitted use in the zone, and the proposed program is allowed within an elementary school. The City must review the proposal submitted by the applicant and has no jurisdiction to direct the District to locate the proposed program at another school.

Cost of Improvements:
Testimony was received objecting to the cost of the proposed curb modifications on Cottage Street NE and suggesting no- or low-cost options such as modifications to scheduling.

Finding: The City must review the proposal submitted by the applicant and has no jurisdiction to direct the District to explore less costly alternatives.

Communication from School District:
Testimony was received stating that the School District had inadequately communicated the proposed changes to impacted parties including neighbors, families at the school, and the Grant Neighborhood Association and should have consulted these groups to determine the best solution.

Finding: The applicant provided a summary of their communications with members of the Grant Neighborhood Association beginning in October 28, 2019 and ending in May 2020, which was attached to the Planning Administrator's decision dated June 26, 2020. The District's representative attended the December 5, 2019 Grant Neighborhood Association meeting. The applicant submitted required documentation of Neighborhood Association Contact pursuant to SRC 300.310 on March 9, 2020.

Failure of Staff to Meet with the Neighborhood Association and District
Testimony was received from the Neighborhood Association in their appeal that staff did not meet with the Neighborhood Association and the District to forge a solution.

Finding: Staff received approximately 30 emails from the Grant Neighborhood Association officers from the date cited in the letter, February 25, 2020, until the deadline for comments on May 27, 2020; many of these emails were copies of emails the Neighborhood Association sent to, or received from, the School District, including summaries of meetings between the Neighborhood Association and District. Staff has responded to specific questions with approximately 10 emails prior to the deadline for comments and responded to the Neighborhood Association's concerns in the decision.

At several points during the process, staff offered the applicant opportunities to respond to the concerns of the Neighborhood Association and other parties with

revisions to the proposal. The applicant requested on April 29, 2020 that staff deem the application complete with plans submitted on April 24, 2020. State law requires staff to deem an application complete when the applicant requests it.

After receiving an email from the Neighborhood Association on April 30, 2020 indicating that they had met with District personnel, staff asked the applicant whether they would be submitting any further revisions of the plans beyond those received on April 24, 2020; the applicant responded that they would submit any revised plans as soon as possible if they decided to revise the plan but to continue the review process with the plans they had submitted. No further revisions were received.

After receiving an email from the Neighborhood Association on May 28, 2020 indicating that the Neighborhood Association and District had met on May 27, 2020 to discuss alternatives, staff forwarded the email to the applicant's representative and asked if the applicant would grant an extension to the State-mandated 120-day deadline and authorize staff to hold the decision for revisions. Staff also forwarded comments received for the case to the applicant and asked if the applicant would like to provide written responses by June 4, 2020 or authorize an extension; the applicant responded on May 28, 2020 that the District was evaluating the comments and ideas to see if they were feasible. On June 4, 2020, the applicant provided a written response, which is included in the Planning Administrator's decision dated June 26, 2020, but did not authorize an extension.

Staff was obligated to issue the decision based on the April 24, 2020 plans in order to meet the State-mandated 120-day deadline. The Planning Administrator found that this proposal met the criteria for approval, with conditions. If the District determines that alternatives to the Cottage Street NE proposal are viable, they may submit a modification of this site plan review application, a new site plan review application, or other applications that would be required for a specific proposal. An alternative proposing bus parking in the existing parking lot adjacent to Winter Street NE, for example, would require a new site plan review application, driveway permit application, and/or adjustment applications.

<u>Violation of a compact between students, the neighborhood, and the City (through its arborist) and violation of the City's policy to preserve tree canopy</u>
Testimony was received from the Neighborhood Association in their appeal stating states that removal of the trees and planter strip violates a compact that has resulted in beautification of the school grounds when the District was providing minimal landscaping and maintenance.

Finding: Staff is unaware of any formal agreement between the City (or its Urban Forester), the District, and the Neighborhood that would prevent removal of the existing street trees and planter strips. While the proposal would result in removal of four existing trees, the conditions of approval require replanting. The District has proposed alternative street standards and has applied for a street tree removal permit. Public Works staff and the Planning Administrator found that the proposal is authorized as an Alternative Street Standard pursuant to SRC 803.065(a)(3) because "…other conditions make the construction that conforms to the standards impossible or undesirable." The applicant has stated that leaving the street as it is currently

configured is undesirable because the area is needed to accommodate buses conducting drop-offs and pick-ups for additional students attending the school. Public Works approved the street tree removal, contingent on final approval of the Site Plan Review decision. Grant Neighborhood Association has appealed the street tree removal permit.

Request to delay approval or construction of a bus lane due to COVID-19
Testimony was received from the Neighborhood Association in their appeal stating that COVID-19 may make it unlikely that students in the Medically Developmental Learning Center (MDLC) would be admitted to Grant in the fall and requests that the existing drop-off area on Market Street could be used as a temporary solution.

Finding: The applicant has not authorized an extension to the State-mandated 120-day deadline, and the City may not delay or deny approval of a proposal that meets all applicable criteria on the basis of potential school enrollment issues related to COVID-19. The applicant has stated that the Market Street drop off is not as feasible as the Cottage Street pullout, as it is very busy before and after school, the buses used for the Medically Developmental Learning Center (MDLC) may be parked for five to 10 minutes as they unload students in wheelchairs or walkers, and parked buses would likely back up westbound traffic on Market Street.

Request to delay construction of the proposed bus pullout to explore alternatives on Market Street NE or Winter Street NE
Testimony was received from the Neighborhood Association in their appeal that delaying construction of the proposed bus lane will allow more time to explore alternatives including a Winter Street bus loop or Market Street drop-off and states that the Winter Street option would require removal of one tree, require construction of one driveway, and provide adequate turning radius for buses.

Finding: The current proposal meets all applicable criteria, and the City may not impose conditions requiring that the applicant construct an alternative. The applicant provided documentation that the proposal was first discussed with the Neighborhood Association at their December 5, 2019 meeting. The applicant has not authorized an extension to the State-mandated 120-day deadline, and the City may not delay or deny approval of a proposal that meets all applicable criteria to allow more time to explore alternatives. The suggested bus loop on Winter Street NE would likely require removal of a significantly larger street tree and would require the applicant to submit a new Class 3 Site Plan Review application, a Class 2 Driveway Approach Permit for a new driveway on a local street, and possible zoning adjustments. It would place the bus parking and ingress and egress area for the students in an area already used for a solid waste service area, bicycle parking, and vehicle parking, potentially requiring significant modifications to the existing features to provide a safe crossing for the students utilizing the buses. The applicant has not provided staff with a response to the Neighborhood Association's assertion that the proposal would provide adequate turning area for buses.

Request to Extend the State-Mandated 120-Day Deadline for the Decision:
Testimony was received stating that the Grant Neighborhood Association has asked the applicant to request an extension of the state-mandated 120-day deadline for the

decision to allow more time for the District to review alternatives to the Cottage Street NE bus pull-out.

Finding: The applicant has declined to extend the deadline, and the City does not have the authority to compel the applicant to extend the deadline. The City is obligated to issue a timely decision based on the plans the applicant has submitted.

Request for Condition of Approval to Move the Bus Drop-Off to Market Street NE or Winter Street NE:
Testimony was received from the Grant Neighborhood Association requesting that Council condition the approval to keep the current application on track but move the bus drop-off to Market Street NE or Winter Street NE.

Finding: The City is obligated to issue a decision based on the plans the applicant has submitted for the bus pull-out on Cottage Street NE. The proposal, with conditions of approval, meets the criteria. Therefore, the City cannot impose conditions requiring a different location for the bus pull-out.

Support and Suggestions for the Proposal:
Testimony was received in support of investment in local schools and acceptance of increased noise and traffic during construction. Suggestions were offered to consider pervious pavement to promote infiltration and reduce neighborhood flooding and runoff pollution during high rain and, where practical, to consider purchasing carbon credits for the work completed, and to ensure the workers on the job are paid fairly and adequately protected from hazards.

Finding: The applicable standards for this land use decision do not require pervious pavement or address purchase of carbon credits, worker pay, or worker safety. Proposed improvements within right-of-way would be in compliance with the requirements of the Salem Revised Code and Public Works Design Standards.

6. Criteria for Granting a Class 3 Site Plan Review Approval

SRC 220.005(f)(3) states:

An application for Class 3 Site Plan Review shall be granted if:
(1) The application meets all applicable standards of the UDC;
(2) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;
(3) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
(4) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Criterion 1:

The application meets all applicable standards of the UDC.

Finding: The proposed development includes a reconfiguration of an existing off-street parking lot and construction of an on-street bus and ADA parking area on Cottage Street NE using alternative street standards.

Development Standards – PE (Public and Private Education Services) Zone:

SRC 542.005(a) – Uses:

Finding: The proposal includes reconfiguration of an existing off-street parking lot for Grant Community School, which is classified as a basic education use. Basic education is allowed as a permitted use in the PE zone per SRC Chapter 542, Table 542-1.

SRC 542.010(a) – Lot Standards:
There is a minimum lot area requirement of 10,000 square feet for all uses. The minimum lot width is 50 feet, minimum lot depth is 80 feet. All uses are required to have a minimum of 16 feet of street frontage.

Finding: The subject property is approximately 113,000 square feet, has a width of approximately 265 feet and depth of approximately 415 feet. The lot has frontage of approximately 415 feet on Cottage Street NE, 265 on Market Street NE, and 445 feet on Winter Street NE. The subject property is in compliance with the minimum lot standards of the PE zone.

SRC 542.010(b) – Setbacks:

North: Adjacent to the north are a PE (Public and Private Educational Services) and PA (Public Amusement) zone. Buildings and accessory structures require no minimum setback adjacent to the property line, and vehicle use areas require a minimum 5-foot vehicle use area setback adjacent to the property line.

South: Adjacent to the south is right-of-way for Market Street NE. Buildings and accessory structures less than 35 feet in height require a minimum 20-foot setback adjacent to a street or special setback line, and vehicle use areas require a minimum 6- to10-foot vehicle use area setback adjacent to a street.

East: Adjacent to the east is right-of-way for Winter Street NE. Buildings and accessory structures less than 35 feet in height require a minimum 20-foot setback adjacent to a street or special setback line, and vehicle use areas require a minimum 6- to10-foot vehicle use area setback adjacent to a street.

West: Adjacent to the east is right-of-way for Cottage Street NE. Buildings and accessory structures less than 35 feet in height require a minimum 20-foot setback adjacent to a street or special setback line, and vehicle use areas require a minimum 6-to 10-foot vehicle use area setback adjacent to a street.

Finding: The applicant has applied for an alternative street standard for Cottage Street NE, which is addressed below. The alternative street configuration can be accommodated within the existing right-of-way. No changes to the property lines are proposed or required.

The existing building and parking area are nonconforming with respect to the setbacks. The building is approximately 6.5 feet from Cottage Street NE, 17.6 feet from Market Street NE, and 10 feet from Winter Street NE. The existing parking area is 0 feet from Winter Street NE. No expansion of the building footprint or expansion of the parking and vehicle use area is proposed. The proposal does not increase the nonconformity.

SRC 542.010(c) – Lot Coverage, Height:

The maximum lot coverage requirement for buildings and structures in the PE zone is 50 percent and the maximum height allowance for all buildings and structures is 70 feet.

Finding: The applicant's summary table indicates that the existing building coverage is approximately 51,450 square feet, covering approximately 46 percent of the total site, less than the maximum lot coverage requirement. No new buildings, building additions, or increases in height for existing buildings are proposed.

SRC 542.010(d) – Landscaping:

(1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
(2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

Finding: The proposal includes no changes to existing perimeter setbacks and landscaping. Conditions of approval for the alternative street standards, below, will require trees either within the street right-of-way or on the school property to replace the street trees that will be removed. At the time of building permit review, landscape and irrigation plans shall be provided that demonstrate compliance with the requirements of SRC Chapter 807 for any trees to be planted on the school property.

SRC 542.010(e) – Outdoor Storage:

Within the PE zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

Finding: No outdoor storage areas are proposed, and this standard is not applicable to the proposed development.

Pedestrian access SRC. 800.065

Compliance with the pedestrian access standards in SRC 800.065 is required for development.

Finding: The proposal includes two reconfigured pedestrian connections to Cottage Street NE that meet the standards. Existing pedestrian connections to Market Street NE and Winter Street NE meet the standards. There is not a transit route or stop abutting the property.

The proposal includes restriping within an existing parking and vehicle use area that has one drive aisle and is less than 124 feet deep. No pedestrian connection is required through the parking area.

The proposal meets applicable standards.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.
Off-street parking shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

SRC 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 per 806.010(b), within public zones, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves.

Finding: All off-street parking provided for the use will be located on the same development site as the schools.

SRC 806.015 - Amount of Off-Street Parking.

a) *Minimum Required Off-Street Parking.* Basic education uses, elementary schools, require a minimum parking requirement of 2 spaces per classroom.

b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.

c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.

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

Finding: The proposed development involves remodeling within an existing elementary school building with 19 classrooms. A minimum of 38 off-street parking spaces are required for the existing use (19 x 2 = 38) under current standards. The number of existing off-street parking spaces is nonconforming with respect to the current standards. The proposal is not a new use or activity; a change of use or activity resulting in a parking ratio requiring a greater number of spaces than the previous use or activity, or an intensification, expansion, or enlargement of a use or activity. No additional off-street parking is required for this proposal.

SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards. General Applicability. The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas; expansion of existing off-street parking and vehicle use areas, where

additional paved surface is added; alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and paving of an unpaved area.

a) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.

b) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Adjacent to Streets. Vehicle use areas require a minimum 6- to 10-foot setback from streets.

Adjacent to Side and Rear Property Lines. Vehicle use areas require a minimum 5-foot vehicle use area setback adjacent to the property line.

Adjacent to Buildings and Structures: The off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5-foot -wide landscape strip or by a minimum 5-foot-wide paved pedestrian walkway.

Finding: The proposal involves restriping of an existing paved surface. The existing paved parking and vehicle use area is nonconforming with respect to the minimum 6- to 10-foot setback from Winter Street NE and conforming with the setback abutting the rear property line. Parking spaces within the existing paved parking and vehicle use area will be restriped and relocated slightly to provide a minimum 5-foot-wide paved pedestrian walkway. The proposal meets applicable standards.

c) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. No interior landscaping is required for off-street parking areas less than 5,000 square feet in size.

Finding: The existing parking and vehicle use area is nonconforming with respect to the interior landscaping requirement. Additional interior landscaping is not required.

d) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

Finding: The proposed changes to parking spaces conform to the minimum dimensions in Table 806-6.

e) *Additional Off-Street Parking Development Standards 806.035(f)-(m).*

Finding: The existing off-street parking area is developed consistent with the standards for grade, surfacing, and drainage. Bumper guards or wheel barriers are proposed for the restriped parking spaces to provide an unobstructed 5-foot-wide pedestrian walkway adjacent to the building. Striping, marking, and signage are required for the restriped area. Lighting shall comply with SRC 806.035(l). The parking area is nonconforming with the requirement for screening from a residential zone, and no additional screening is required.

Bicycle Parking

SRC 806.045 - General Applicability.
Bicycle parking shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.
Bicycle parking shall be located on the same development site as the use or activity it serves.

SRC 806.055 - Amount of Bicycle Parking.
Per SRC Chapter 806, Table 806-8, basic education uses require a minimum of two bicycle parking spaces per classroom.

Finding: The proposed development involves remodeling within an existing elementary school building with 19 classrooms. A minimum of 38 bicycle parking spaces are required for the existing use (19 x 2 = 38) under current standards. Forty bike spaces are provided, but the racks are nonconforming with respect to the current standards. The proposal is not a new use or activity; a change of use or activity resulting in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity, or an intensification, expansion, or enlargement of a use or activity. No additional bicycle parking spaces or changes to existing bicycle spaces are required for this proposal.

Off-Street Loading Areas

SRC 806.065 - General Applicability.
Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; and any intensification, expansion, or enlargement of a use or activity

SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.
Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 - Amount of Off-Street Loading.
A minimum of one off-street loading space 12 feet x 30 feet x 14 feet is required for education services uses with a gross floor area between 5,000 and 60,000 square feet in size.

Finding: No loading space is indicated on the site plan. The existing development is nonconforming with respect to the loading space requirements. The gross floor area of the building is not increasing. The proposal is not a new use or activity; a change of use or activity resulting in a greater number of required loading spaces requiring a greater number of spaces than the previous use or activity; or an intensification, expansion, or

enlargement of a use or activity. No additional off-street loading spaces are required for the proposed development.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. 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 and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Finding: Conditions of approval for the alternative street standards, below, will require trees either within the street right-of-way or on the school property to replace the street trees that will be removed. At the time of building permit review, landscape and irrigation plans shall be provided that demonstrate compliance with the requirements of SRC Chapter 807 for any trees to be planted on the school property. Within the setback area between the building and property line, a minimum of 1 plant unit is required per 20 square feet of landscape area. A minimum of 40 percent of the required plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees.

Natural Resources

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

Finding: No protected riparian trees or significant trees have been identified on the site plan for removal.

SRC 601- Floodplain:

Finding: Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC 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 wetland 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.

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

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

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

Other Standards

The subject property meets all applicable standards of the following chapters of the UDC*: 601 – Floodplain: 802 – Public Improvements: 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; and 810 - Landslides*.

The subject property meets all applicable standards of *Chapter 803 – Streets and Right-of-Way Improvements*, except as approved through alternative standards as addressed in Criterion 2.

Criterion 2:

The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: The existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to 803.040(a); therefore, no right-of-way dedication or street improvements are required.

Market Street NE is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way. This street has an approximate 30- to 41-foot variable-width improvement within a 66-foot-wide right-of-way abutting the subject property.

Market Street NE is a fully developed Minor Arterial street that lacks adequate right-of-way and improvement width for its classification of street pursuant to the Salem TSP. The development is not proposing a building addition subject to SRC 803.040(a); therefore, no right-of-way or street improvements are required. The property is subject to a special setback equal to 36 feet from the centerline of Market Street NE on the development side.

Cottage Street NE is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way. This street has an approximate 30- to 42-foot variable-width improvement within a 66-foot-wide right-of-way abutting the subject property.

Winter Street NE is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way. This

street has an approximate 30-foot improvement within a 75-foot-wide right-of-way abutting the subject property.

Cottage Street NE and Winter Street NE are fully developed Local streets that meet or exceed the right-of-way width and pavement width standards pursuant to the Salem TSP. The applicant has requested to widen Cottage Street NE by removing the planter strip and replacing the existing sidewalk in order to accommodate a larger bus pullout and student drop-off and pick-up area. The proposal is authorized as an Alternative Street Standard pursuant to SRC 803.065(a)(3) because "…other conditions make the construction that conforms to the standards impossible or undesirable." The applicant has stated that leaving the street as it is currently configured is undesirable because the area is needed to accommodate buses conducting drop-offs and pick-ups for additional students attending the school.

The application materials show the removal of five street trees. Street tree removal permits are required pursuant to SRC 86.050. At the time of development, street trees are required to be provided at the maximum extent feasible pursuant to SRC 86.015(e).

The proposed reconfiguration under the alternative street standards relocates a property-line sidewalk to the west so that it becomes a curbline sidewalk and will require removal of five street trees. The proposed reconfiguration will result in a narrow planting strip approximately five feet wide between the property line and relocated sidewalk. The building is set back approximately 10 feet in this area. The following condition is required to ensure successful replacement of the street trees that are to be removed:

Condition 1: Replace all of the trees proposed for removal at a ratio of at least 1:1 with street trees within the right-of-way abutting Cottage Street NE and/or private property trees within the setback between the building and the property line abutting Cottage Street NE and adjacent to the proposed bus pullout. The replacement trees shall be at least 2 inches in diameter and of a species approved by the City for placement within planter strips along streets.

Condition 2: Submit a landscape and irrigation plan at the time of building permit review that demonstrates compliance with the requirements of SRC Chapter 807 for any trees to be planted on the school property to replace the removed street trees.

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: The existing driveway access onto Winter Street NE provides for safe turning movements into and out of the property. No changes to the driveway are proposed are required. The proposed changes are limited to reconfiguration and restriping of the existing parking spaces to provide a 5-foot-wide paved pedestrian walkway between the parking spaces and building.

Criterion 4:

The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant does not show any new connections to public infrastructure.

CONCLUSION

Based upon review of SRC 220.005(f)(3) and the findings presented herein, Site Plan Review Case No. 20-19 complies with the requirements for an affirmative decision, subject to the following conditions of approval:

Condition 1: Replace all of the trees proposed for removal at a ratio of at least 1:1 with street trees within the right-of-way abutting Cottage Street NE and/or private property trees within the setback between the building and the property line abutting Cottage Street NE and adjacent to the proposed bus pullout. The replacement trees shall be at least 2 inches in diameter and of a species approved by the City for placement within planter strips along streets.

Condition 2: Submit a landscape and irrigation plan at the time of building permit review that demonstrates compliance with the requirements of SRC Chapter 807 for any trees to be planted on the school property to replace the removed street trees.

GRANT NEIGHBORHOOD ASSOCIATION

SALEM OREGON

May 8, 2020

Joel Smallwood, District Construction Program Manager
Salem Keizer School District
2450 Lancaster Dr NE,
Salem, Oregon 97305 *via email:* smallwood_joel@salkeiz.k12.or.us

Pamela Cole, Associate Planner
Department of Community Development
City of Salem
555 Liberty Street SE, Room 305
Salem, Oregon 97301 *via email:* pcole@cityofsalem.net

Re: **PROPOSED COTTAGE STREET MODIFICATIONS**
Grant Community School
2018 Bond Program
Medical Developmental Learning Classrooms (MDLC)

Dear Joel and Pamela,

On May 7, 2020, the Grant Neighborhood Association held our monthly meeting via a Zoom video conference. We were pleased to have 26 attendees from across the neighborhood.

The Salem-Keizer School District proposal to make structural modifications to the existing improvement on the east side of Cottage Street, between Market Street and Gaines Street, was on our agenda. The District's February 2020 engineering plans for the project had been previously forwarded to board members and were also available to the neighbors in attendance. The ongoing discussions of the past two months between neighbors and the District were summarized.

All of the options requested out of the Grant neighborhood that have been presented to the District were reported to the group. The two options that have become the latest focus at the neighbors meetings with District staff were presented for discussion, those being: 1) the use of the Winter Street Parking lot for pickup and drop-off of the students being brought to the Grant campus for the Medical Developmental Learning Program; and, 2) forgoing the extensive proposed construction

on Cottage Street and, instead, installing smaller concrete pads within the existing parking strip These would be similar to the Americans with Disabilities Act (ADA) accessible pads being established by the Salem Area Mass Transit District (Cherriots) for their bus stops.

Areas of discussion and concern included:

1) Adding 6-8 turning buses into the major congestion of pedestrians and cars that already exists at the Cottage and Market intersection at the beginning and end of school days only makes a bad situation worse;

2) The difficulty in turning off of westbound Market Street to northbound Cottage Street, where the curb radius is just 8.5 feet ±, then turning from Cottage to westbound on Gaines Street. The first turn appears to track the bus into the oncoming southbound traffic lane on Cottage. The second turn may require removing on-street residential parking on Gaines. Both Cottage and Gaines streets have narrow curb-to-curb improvements of about 30 feet with parking on both sides that result in a one-way path down the center of the street when parked cars are present;

3) The Neighborhood Association does not support using each side of the Grant Community School block (Cottage-Market-Winter) for transportation drop off and pick up. The school is already using Market and Winter Streets for these transportation purposes and we suggest no- or low-cost modifications to scheduling rather than spending the community's one-time bonding authority on a project that degrades the neighborhood;

4) This proposal is a transfer of use of the public's right-of-way on Cottage Street. The current use, parking, serves the school and public alike. The school's proposed use is a transfer of that right-of-way to the school alone, while degrading the appearance of the right-of-way. This portion of Grant Neighborhood already sees remarkable parking pressure from residents, employees of the school, and State of Oregon workers who park and walk to work. Removing parking will increase this pressure;

5) What are the students' health conditions and do they require separation from the rest of the student body? Are they precluded from entering the main entrance of the school? We were told that the District had stated that the students would be interacting throughout the day with the other students. Plans are already included to update the main entrance to meet ADA requirements;

6) What is the difference in the traverse distance to the building when comparing the Cottage Street proposal with the existing Winter Street parking lot? Measured in pedestrian steps, the Cottage route ranges from 45 to 105 steps and the Winter parking lot is 75 steps;

7) Losing the tree canopy along Cottage that the students, staff, parents, Neighborhood Association, and neighbors have worked hard to establish over the past ten to fifteen years;

8) Spending $150,000 to $180,000 on curb modifications if other options are available, especially in a time of economic volatility; and,

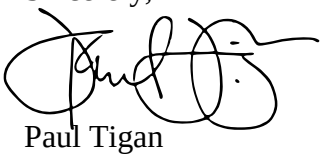
9) It is possible that the COVID-19 pandemic may still be affecting our activities this next school year. A trial period may be more appropriate, given that uncertainty.

After a very long discussion, the Grant Neighborhood Association voted unanimously to, first, support the use of the existing Market Street bus cut-out for at least a 1-year trial period to evaluate its effectiveness and allow a transition period for this new program into Grant.

This option would be very cost effective, support student interaction, and benefit the neighborhood. The second option, more tentatively supported, would be to use the Winter Street parking lot for the drop-off zone.

The neighborhood opposes the District's proposed Cottage Street curb modifications or use as a student drop off due to its substantial impact on the neighborhood.

Sincerely,



Paul Tigan
Land Use Chair
Grant Neighborhood Association
paultigan@gmail.com

CC: Karma Krause, Capital Construction Public Engagement Manager
via email: krause_karma@salkeiz.k12.or.us
Michael Wolfe, Chief Operations Officer
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Michael Shields, Transportation Services Director
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SALEM-KEIZER SCHOOL DISTRICT

Glenn Davis, Chief Development Engineer, Public Works Department
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GRANT NEIGHBORHOOD ASSOCIATION

Jennifer Scott

From: Pamela Cole
Sent: Thursday, July 16, 2020 7:44 AM
To: Tracy Schwartz
Cc: Jennifer Scott
Subject: RE: Grant Community School - Tree Removal

Hello, Tracy –

The deadline for the comments for the Street Tree Removal Permit is today, I believe. That permit is issued through Public Works. I am copying Jennifer Scott in Public Works so that she has your comments.

The Neighborhood Association filed an appeal of the Site Plan Review decision, and a hearing is scheduled with City Council for August 10. I can include these comments for the appeal hearing.

Thanks!

Pamela Cole
Planner II
City of Salem | Community Development Department
555 Liberty St SE, Suite 305, Salem OR 97301
pcole@cityofsalem.net | 503-540-2309
Facebook | Twitter |YouTube| CityofSalem.net

From: Tracy Schwartz <schwartzpreservation@gmail.com>
Sent: Wednesday, July 15, 2020 5:42 PM
To: Pamela Cole <PCole@cityofsalem.net>
Subject: Grant Community School - Tree Removal

Hi Pamela,

I hope that all is well and you are staying safe!

I know that this email comes toward the end of the comment period, but I would like to write in opposition to the removal of the trees at the Grant Community School. It is my understanding that these trees were planted together by the school and the community, and it would be a shame to lose them. Further, the last thing our community and the City of Salem needs is more asphalt. We need to be preserving and protecting our green spaces and trees. Finally, given the number of state employees and limited parking by state buildings, losing street parking will make an existing frustration worse.

I fully recognize and understand that the school is preparing to welcome a new population with different needs. We should absolutely accommodate those students. However, there has to be another option that utilizes existing parking and paved areas. I hope that the City and School District consider these options and continue to work with the neighborhood to find a solution that meets student needs while preserving green space.

If you have any questions, please do not hesitate to contact me.

Thank you for taking my comments!
-Tracy Schwartz
965 Shipping St. NE
Salem, OR 97301

August 20, 2010

Members Salem Keizer School Board:
Satya Chandragiri
Danielle Bethell
Kathy Goss
Marty Heyen
Sheronee Blasi
Jesse Lippold
Paul Kyllo
Joel Smallwood

P.O. Box 12024
Salem, OR 97309-0024

Also:
Mark Shipman, Saalfield Griggs PC
250 Church St SE #200,
Salem, OR 97301
(Representing Joel Smallwood, Salem-Kaizer School District.)

RE: September 10, 2020 Hearing concerning
Street Tree Removal Application No. 20-108586-TR
and
Land Use Case No. SPR 20-19.

Ladies and Gentlemen:

I am relatively new to Salem but have four years of service as a New York City schoolteacher, and six years of volunteer service at the Lake Washington's School District "Homework Help" desk at the Redmond Library in the State of Washington. I am concerned about teachers, students, and learning environments.

I have recently learned that the Salem Keizer School District plans to go ahead with Street Tree Removal Application No. 20-108586-TR and Land Use Case No.SPR 20-19. Both rest on false information (and therefore should be regarded as invalid), violate the public interest, and violate public law.

If the permit application been submitted as a school project, the careless research and poor scholarship would earn a failing grade, for these reasons:

1. False information concerning bus pull-through: The notice/permit states, "[T]he proposed construction [is] to expand the existing bus pull-through." This is incorrect. There is NO bus traffic and no "existing bus pull-through" on Cottage

Street. This construction would be new construction for a new operation, not a modification to an existing operation.

2. False information concerning parking: The notice/permit states, "[T]he proposed construction [would] expand the ... on-street parking area." This is incorrect. This construction would reserve a long section of the parking curb for bus pick-ups and drop-offs only; it would remove 7 to 9 parking spaces in a neighborhood that has terrible parking problems already documented by the City. Since the school currently has only 8 spaces on-site and 19 classrooms, loss of those parking spaces will be a great loss to the staff in the school and the local residents.

3. False information concerning tree species: The notice/permit states that all five trees to be removed are Halka Zelkova. This is incorrect. Only one of the five is a Halka Zelkova tree.

4. False information concerning tree maturity: The notice/permit states that all five trees are less than 6" in diameter. This is incorrect. According to Diameter at Breast Height (DBH) methodology, four of the five trees are greater than 6" in diameter. The DBH method measures the trunk circumference of the tree at 48 inches from the ground, divides circumference by Pi (3.14), and rounds up to yield the measurement. The DBH measurements of those four trees are 11 inches, 7 inches, 7 inches, and 6 inches.

   This difference between the false statements in the permit and the actual size of the trees is important because Salem law recognizes trees larger than 6 inches as mature trees.

5. False information concerning alternative solutions: The notice/permit states, "The trees proposed for removal meet the criteria described in SRC 86.090(a)(8) because there are no reasonable alternatives available to accommodate the proposed construction ..." This is incorrect and somewhat misrepresents the applicable clause of the SRC. That clause states, "The Director may permit the removal of a City tree due to construction if there is no reasonable alternative."

   The Grant Neighborhood Association has presented to the District and to the City several "reasonable alternatives" to a proposed bus pullout on Cottage Street that WOULD NOT require removal of any trees. I implore you to consider those alternatives now -- some of which are far less expensive!

Each of the above points (1-5) illustrates that the permit was granted on false information and therefore should be regarded as invalid.

Moreover, Street Tree Removal Application No. 20-108586-TR and Land Use Case No.SPR 20-19 violate public law in the following manner:

6. Violation of mandate: Removal of those trees goes against the Urban Tree Canopy Assessment of 2010 (UTC), which mandated the planting and preservation of trees to create
   a. increased property worth,
   b. pollutant removal,
   c. stormwater runoff reduction,
   d. carbon sequestration, and
   e. energy savings.

7. Violation of public law. Removal of those trees goes against TITLE VII (PERMITS, STREETS, AND PUBLIC WAYS), Section 86 (Trees on City-owned Property), Sec. 86.005 (Purpose) in two ways:
   a. Fewer trees will mean higher car speeds on Cottage Street, endangering residents and school children.
   b. The loss of street trees can lead to increased crime in a neighborhood that has been overcoming crime. *"Green Cities, Green Health" 2018, Urban Forestry/Urban Greening Research, USDA Forest Service and University of Washington.*

Moreover, Street Tree Removal Application No. 20-108586-TR and Land Use Case No.SPR 20-19 violate the principles of good citizenship in the following manner:

8. The trees slated for removal were planted during Earth Day celebrations with the participation of a class of grade school children less than a decade ago. Removing those trees now would be a betrayal of that promise. In these difficult times, do we want to show that it is OK for our society to break promises? Do we want to teach our children that promises may be tossed aside at whim? I think not. Keep your promise to the children, to the Grant community, and to the City Salem.

Surely we in Salem do not accept patently false information as true, violate public law, or set a bad example to our young people.

Sincerely,

Carol DeCoursey

Carol A. DeCoursey
740 Shipping Street, NE
Salem, OR 97301

CC: Attorney for City of Salem
Daniel Atchison
555 Liberty St. SE RM 205, Salem OR 97301

DeCoursey
740 Shipping Street, N.E.
Salem, OR 97301

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Attorney for City of Salem
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