

## Written Statement

The property located at the corner of 17th ST SE and Oak ST SE; Taxlot Number: 073W26CD04401 is currently within the RM2- Multiple Family Residential 2 zone. Multiple family developments are permitted per Table 514-1. We are proposing 12 multiple family units.

### **CHAPTER 514. RM-II—MULTIPLE FAMILY RESIDENTIAL**

#### **Sec. 514.015. Design review.**

Design review under SRC chapter 225 is required for development within the RM-II as follows:

- (a) Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.

### **CHAPTER 702. MULTIPLE FAMILY DESIGN REVIEW STANDARDS**

#### **Sec. 702.010. Multiple family design review standards.**

Multiple family development shall comply with all of the applicable design review standards as follows:

- (a) Multiple family development with five to 12 dwelling units shall comply with the design review standards set forth in **SRC 702.015** or the design review standards set forth in SRC 702.020.

**Response: We are proposing 12 new dwelling units**

#### **Sec. 702.015 Design review standards for multiple family development with five to twelve units.**

- (a) *Open space standards.*

- (1) To encourage the preservation of natural open space qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 20 percent of the gross site area as designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.

**Response: We are proposing 4,185 sf (open space area) / 17,559.8 sf (total site) = 23.8%**

- (A) To ensure usable open space, at least one common open space area shall be provided within the development that is at least 500 square feet in size and has a minimum dimension of 20 feet for all sides.

**Response: We are proposing a designated 500 sf open common space area. See drawing SPR-9 for location.**

- (B) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-1, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-1.

**Response: We are providing 100 sf private open spaces for the ground units and 48 sf min. private open spaces for floors 2 and 3. See drawing DR-9.**

- (C) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 500-square-foot improved open space area may count as 1,000 square feet toward the open space requirement.

- (i) Be a minimum 500 square feet in size with a minimum dimension of 20 feet for all sides; and

**Response: We are proposing a designated 500 sf open common space area included inside the 4,185 sf open space area. See drawing SPR-9 for location.**

- (ii) Include at least one of the following types of features:
        - a. Covered pavilion.
        - b. Ornamental or food garden.

Response: . We are proposing a food garden included inside the 4,185 sf open space area. See drawing SPR-9 for location.

- c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.
  - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
  - e. Swimming pool or wading pool.
- (C) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a publicly-owned urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.

Response: We are located within .2 miles of Aldrich Park. We are not planning on taking the reduction to the proposed open space.

(b) *Landscaping standards.*

- (1) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:

Response: Subject property abuts 2 RS zoned to the North east. An Alley runs along most of this side, and requires only a fence for screening per SRC 806.035(c)(1)(A). The remaining portion that directly abuts the RS zone is the driveway, and does not require screening per 806.040(c)(1)(A).

- (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
  - (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall not be allowed to satisfy this standard.
- (2) Multiple family developments shall comply with the landscaping standards applicable in the underlying zone in which such developments are located.

Response: Development is in the RM-II zone Multiple Family Residential, landscaping will comply with SRC 514.010(g)

(c) *Site safety and security.*

- (1) Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.

Response: Windows are spaced around the perimeter of the building, allowing units to have as many directional views as possible. See sheet SPR-8.

- (2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.

Response: Wall packs and lighting will be provided at entrances, stair well, parking areas. We are also providing security gates. See sheet SPR-10 for the site safety and security plan.

(d) *Parking and site design.*

- (1) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

Response: On-site parking is located beside and under the buildings due to space constraints. See sheet SPR-1.

- (2) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that

connect the development to the public sidewalks. Pedestrian pathways shall be a minimum of five feet in width.

Response: Please see sheet SPR-1 for sidewalks and pedestrian connections.

(e) *Façade and building design.*

- (1) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-2 to provide appropriate transitions between new buildings and structures on-site and existing buildings and structures on abutting sites.

TABLE 702-2. SETBACKS ABUTTING PROPERTY ZONED RA AND RS		
Building Dimension Adjacent to Property Zoned RA and RS	Number of Building Stories	Minimum Setback
Greater than 80 feet	2 or more	Min. 1 foot for each 1 foot of building height, but in no case less than 20 ft.

- (A) A five-foot reduction is permitted to each required setback in Table 702-2 provided that the height of the required fence in Sec. 702.015(b)(1)(B) is increased to eight feet tall.

Response: The site abuts 2 RS parcels to the East, the proposed buildings are over 20 feet away per Table 702-2

- (2) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.

Response: The proposed buildings are up against the 20 foot abutting street setback. See sheet SPR-1.

- (3) To orient buildings to the street, any ground-level unit, cluster of units, or interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have an architecturally defined primary building entrance facing the street, with direct pedestrian access to the adjacent sidewalk.

Response: All buildings are oriented toward the street, along with having entrances facing the same direction. See sheet SPR-1.

- (4) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.

Response: We are proposing a shared front porch for each building which contains 4 units. See elevations A/SPR-8.

- (5) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.

Response: We are not proposing any roof top units.

- (6) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 75 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See Figure 702-1)

Response: The proposed horizontal building length is 62 feet. See A/SPR-8 and D/SPR-8.

**Sec. 702.020 Design review standards for multiple family development with thirteen or more units.**

Response: Section not applicable.

## **CHAPTER 800. GENERAL DEVELOPMENT STANDARDS**

### **Sec. 800.001. Purpose.**

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

### **Sec. 800.005. Applicability.**

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

### **Sec. 800.010. Definitions.**

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

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

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

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

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

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

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

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

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

- (a) *Front lot line.* The front lot line shall be designated as set forth in this subsection (see Figure 800-1).
  - (1) *Interior lot.* For an interior lot, the front lot line shall be the property line abutting the street.
  - (2) *Corner lot.* For a corner lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension standards are met.

**Response: We are determining that the lot line facing 17<sup>th</sup> St as the front lot line.**

- (3) *Double frontage lot.* For a double frontage lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension requirements are met.
  - (4) *Flag lot.* For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise

directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan of the plat, which shall be recorded on deeds conveying lots.

- (5) *Other lots.* In the case of any lot not covered by subsections (a)(1) through (4) of this section, the front lot line shall be the property line that the architecturally designed front of the building faces.
- (b) *Rear lot line.* The rear lot line shall be designated as set forth in this subsection (see Figure 800-2).
- (1) *Generally.* For all lots, except those identified in subsection (b)(2) of this section, the rear lot line shall be the property line that is opposite and most parallel to, and located the greatest distance from, the front lot line.
- (2) *Trapezoidal, triangular, diamond, or other shaped lots.* For trapezoidal, triangular, diamond, or other shaped lots with a distance between the side lot lines at the rear of the lot of less than ten feet, the rear lot line for purposes of determining required setbacks shall be a line ten feet in width drawn between the side lot lines and located parallel to and at the maximum distance from the front lot line (see Figure 800-3).
- (c) *Side lot line.* A side lot line is any lot line which is not a front or rear lot line.

**Sec. 800.025. Flag lots.**

Response: Not Applicable

**Sec. 800.030. Hillside lots.**

Response: Not applicable.

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

Response: Not Applicable.

**Sec. 800.035. Setbacks.**

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

TABLE 800-2. PERMITTED PROJECTIONS INTO REQUIRED SETBACKS			
Type of Projection	Maximum Projection		
	Front Abutting Street;	Interior Side	Rear Abutting Street; Interior Rear <sup>(1)</sup>
	Side Abutting Street;		
	Interior Front		
Planter boxes; window bays; greenhouse windows; chimneys; flues; belt courses; leaders; sills; pilasters; lintels; solar collectors; and ornamental features	24 in.	24 in.	24 in.
Cornices; eaves; and gutters	24 in.	24 in., provided in no case shall such projection come	24 in.

		closer than 2 ft. to the side property line.	
Porches and decks—covered, but unenclosed	<p>Not limited, provided:</p> <p>(1) The structure covering the porch or deck does not exceed 15 ft. above grade;</p> <p>(2) The floor area of the porch or deck does not exceed 4 ft. above grade; and</p> <p>(3) In no case shall the covered porch or deck come closer than 10 ft. to the property line.</p>	Not allowed	<p>Not limited, provided:</p> <p>(1) The structure covering the porch or deck does not exceed 15 ft. above grade;</p> <p>(2) The floor area of the porch or deck does not exceed 4 ft. above grade; and</p> <p>(3) In no case shall the covered porch or deck come closer than 8 ft. to the rear property line.</p>
Porches and decks—uncovered	<p>Not limited, provided:</p> <p>(1) The floor area of the porch or deck does not exceed 3 ft. above grade;</p> <p>(2) No railing or perimeter seating on the porch or deck exceeds 44 inches in height above the floor of the porch or deck at any point; and</p> <p>(3) A landscaped area 4 ft. in depth is maintained between</p>	Not limited, provided the floor area of the porch or deck does not exceed 3 ft. above grade.	<p>Not limited, provided the floor area of the porch or deck does not exceed 4 ft. above grade.</p> <p>5 ft., when the floor area of the porch or deck exceeds 4 ft. above grade; provided, however, in no case shall the porch or deck come closer than 6 ft. to any property line.</p>

	the property line and the porch or deck.		
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TABLE 800-2. PERMITTED PROJECTIONS INTO REQUIRED SETBACKS

Type of Projection	Maximum Projection		
	Front Abutting Street;  Side Abutting Street;  Interior Front	Interior Side	Rear Abutting Street; Interior Rear <sup>(1)</sup>
Patios—uncovered	Not limited, provided: (1) The floor area of the patio does not exceed 3 ft. above grade; and  (2) A landscaped area 4 ft. in depth is maintained between the property line and the patio.	Not limited, provided the floor area of the patio does not exceed 3 ft. above grade.	Not limited, provided the floor area of the patio does not exceed 4 ft. above grade.
Balconies; outside stairways; and other unenclosed, unroofed projections	Not allowed	Not allowed	5 ft., provided in no case shall such projection come closer than 6 ft. to any property line.
<b>Limitations and Qualifications</b> <sup>(1)</sup> No permitted projection into a rear setback shall extend to within 10 ft. of the centerline of an alley, or to within 6 ft. of an accessory structure.			

Response: Main building is at the 20ft setback line, but front entry porch and circulation projects into setback. An adjustment is requested to reduce the setback for these specific portions to 12ft, per table 514-4. See "04-Adjustments-Written Statement.pdf"

(c) *Zone-to-zone setbacks abutting property outside City limits or urban growth boundary.*

Response: Not applicable.

(d) *Setbacks abutting an interstate freeway, railroad right-of-way, or alley.*

- (1) The required setback abutting an interstate freeway, railroad right-of-way, or alley shall be considered either an interior front setback, an interior side setback, or an interior rear setback depending upon the dimensions and configuration of the lot.
- (2) Where the required interior front, interior side, or interior rear setback abutting an interstate freeway or railroad right-of-way is a zone-to-zone setback, the minimum required in interior front, interior side, or interior rear setback shall be five feet in-lieu of the zone-to-zone setback.

Response: Eastern property line abuts an alleyway, which is adjacent to an RS zone, so setback is 5ft from alleyway.

**Sec. 800.040. Special setbacks.**

- (a) *Generally.* To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established. No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.
- (b) *Setback distance required; how measured.* The special setback shall equal one-half of the right-of-way width specified in the Salem Transportation System Plan for the street's applicable classification. Special setbacks shall be measured at right angles to the centerline of the street, or, where there is no street, from the centerline of the right-of-way. Where the centerline is not designated, the Director shall designate the location of the centerline.

**Response: ROW of 17<sup>th</sup> St as Minor Arterial is 72ft, which should mean a ROW from centerline at 36ft. Instead property line is currently at 50ft. As currently shown, special setback is outside property boundaries.**

- (c) *Relationship to other required setbacks.* The special setback shall apply in addition to other setbacks required under the UDC. Setbacks required elsewhere under the UDC shall be measured from the special setback line.
- (d) *Permitted structures and paving within special setbacks.* The following structures and paving are permitted within a special setback with a removal agreement as set forth in subsection (e) of this section:
  - (1) Transit stop shelters.
  - (2) Signs and their supporting members.
  - (3) Fences.
  - (4) Off-street parking provided such parking is developed in conformance with the setback and landscaping requirements set forth in SRC chapter 806.
- (e) *Removal agreement.* Where structures or paving, as permitted under subsection (d) of this section, are proposed to be placed within a special setback, a removal agreement shall be required as provided in this subsection.
  - (1) The removal agreement shall be entered into by:
    - (A) The owner of the property and the local transit operator, for transit stop shelters located within a special setback. The local transit operator shall have the obligation to remove the shelter when required.
    - (B) The owner of the property and/or owner of the sign, for signs and their supporting members located within a special setback.
    - (C) The owner of the property, for fences and off-street parking located within a special setback.
  - (2) The removal agreement shall be in a form approved by the City Attorney and shall provide that:
    - (A) Within six months after notice by the City, any structure, paving, or portion thereof that extends into the special setback shall be completely removed at no expense to the City;
    - (B) Where off-street parking set forth in subsection (d) of this section is removed, any remaining portion of the parking area located outside of the special setback shall be brought into conformance with the setback and landscaping requirements set forth in SRC chapter 806 at no expense to the City;
    - (C) If the owner or transit operator fails or refuses to make the removal, or fails or refuses to make required improvements to any remaining portion of the parking area located outside of the special setback, the City may cause the removal, or the required parking area improvement, to be made, and the costs incurred shall:
      - (i) Be a lien against the property if the removal agreement was entered into by the owner of the property, which may be foreclosed in the manner provided by law;
      - (ii) Be the obligation of the transit operator if the removal agreement was entered by the owner and the local transit operator, and that, in the event an action must be brought to enforce the obligation, that the City shall be entitled to its attorney's fees and costs incurred in enforcing the obligation.
    - (D) The property owner, sign owner, or transit operator shall not be entitled to damages or compensation as the result of City's exercise of its rights under the removal agreement; provided,



however, the property owner shall retain his or her right to just compensation for the unimproved value of any land taken for the widening of the street.

- (3) The removal agreement shall be recorded with the county in which the property is located. Notice to remove any structure, paving, or portion thereof shall not be given until the City or the State proceeds with a project to widen the street in front of the property.

**Response:** No structures are proposed in special setback.

#### **Sec. 800.045. Height.**

- (a) *Generally.* Unless otherwise provided under the UDC, standards relating to height shall apply to all buildings and structures. Height shall be measured as set forth in SRC chapter 112.
- (b) *Height exceptions.* Except as otherwise provided in this subsection, the following height exceptions are permitted under the UDC:
  - (1) Towers, steeples, chimneys, wind-driven electrical generating equipment, flag poles, and monuments may project above the maximum height limits set forth in the UDC, provided:
    - (A) They do not exceed 185 feet in height;
    - (B) They do not contain any habitable space;
    - (C) The horizontal section of the structure does not exceed 625 square feet at the top of the main building or structure; and
    - (D) The sum of the horizontal section of all such projections measured at the maximum height limit applicable to the building or structure on which they are located does not exceed 20 percent of the horizontal area of the roof of the building or structure on which they are located.
  - (2) Radio, television, and microwave antennas, and structures used exclusively for their support, are exempt from all height limitations.
  - (3) Mechanical equipment necessary for the operation or maintenance of a building or structure, including, but not limited to, ventilators, plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar energy, and window washing equipment, together with enclosures for any such equipment, may project above the maximum height limits set forth in the UDC, provided:
    - (A) They do not project more than 15 feet above the roof;
    - (B) They do not contain any habitable space;
    - (C) The sum of the horizontal section of all such projections measured at the maximum height limit applicable to the building or structure on which they are located does not exceed 60 percent of the horizontal area of the roof of the building or structure on which they are located;
  - (4) Relationship to FAA Part 77 Surfaces. Notwithstanding subsections (b)(1) through (3) of this section, nothing in this subsection shall authorize the projection of a building or structure into an FAA Part 77 surface established under SRC chapter 602.
- (c) *Height of structures within 165 feet of capitol mall district.* Except as provided under subsection (b) of this section, no portion of a building or structure located outside of, but within 165 feet of, the external boundary of the Capitol Mall (PM) Zone shall exceed a height of 70 feet.

**Response:** proposed building height is 34ft with no rooftop mechanical.

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

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

- (a) *Location, height, and density.* Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.
  - (1) *Fences and walls.*
    - (A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under

household living in other zones, shall not exceed a maximum height of eight feet; provided, however:

- (i) *Front yard abutting street.* Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

Response: proposed ornamental fence is 4ft high, with adequate opacity above 30".

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

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

- (i) Front, side, and rear yards abutting street. Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within ten feet of a property line abutting a street; provided, however, any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

Response: Not applicable.

- (2) *Hedges.* There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.
- (3) *Gates.* Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.

Response: proposed rolling security gate will match the height of adjacent fencing and rolls within the property boundaries.

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

Response: No retaining walls proposed at property lines abutting a street.

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

- (c) *Material.*

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

Response: Proposed fence material is metal, similar in style and durability to wrought iron.

- (2) *Walls.* Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.
- (d) *Hazardous materials.* Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:
  - (1) *Concertina wire.* Concertina wire is permitted around state and county correctional facilities and secure mental health facilities.
  - (2) *Barbed wire and upturned barbed selvage.*
    - (A) *Location.* Barbed wire and upturned barbed selvage is permitted within the following locations:
      - (i) Any zone where the fence will be used to enclose livestock; and
      - (ii) The Retail Commercial (CR) and General Commercial (CG) Zones, any industrial or public zone, and any zone where the fence will be used to enclose an electrical substation.
    - (B) *Standards.* Where allowed as set forth this subsection, barbed wire or upturned barbed selvage shall comply with the following additional standards:
      - (i) *Enclosure of livestock.* Fences with barbed wire or upturned barbed selvage enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
      - (ii) *CR and CG zones; industrial and public zones; enclosure of electrical substations.* Fences with barbed wire or upturned barbed selvage located within a Retail Commercial (CR) or General Commercial (CG) Zone, within an industrial or public zone, or enclosing an electrical substation shall comply with the following:
        - (aa) The barbed wire or upturned barbed selvage shall be located more than six feet above grade;
        - (bb) The barbed wire or upturned barbed selvage shall be setback a minimum of one foot from the public right-of-way, when designed to slant towards the public right-of-way;
        - (cc) The barbed wire or upturned barbed selvage shall not extend over a street or alley; and
        - (dd) The fence shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
- (3) *Electric fencing.*
  - (A) *Location.* Electric fencing is permitted within the following locations:
    - (i) Any zone where the fence will be used to enclose livestock; and
    - (ii) Around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone.
  - (B) *Standards.* Where allowed as set forth in this subsection, electric fencing shall comply with the following additional standards:
    - (i) *Enclosure of livestock.* Electric fencing enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
    - (ii) *Outdoor storage areas for nonresidential uses within the CG Zone and industrial zones.* Electric fencing around outdoor storage areas, including vehicle storage

areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone shall comply with the following:

- (aa) The fence shall not exceed ten feet in height and shall be completely surrounded by a non-electric fence or wall a minimum of six feet in height.
- (bb) A minimum one-foot separation shall be maintained between the electric fence and the surrounding non-electric fence or wall.
- (cc) An electrical permit and inspection shall be obtained prior to installation.
- (dd) The electric fence shall be listed by a testing laboratory approved by the State, and shall be installed and used in accordance with the testing laboratory listing.
- (ee) The fence shall be clearly posted with warning signs in English and Spanish notifying persons of a dangerous fence. The signs shall include the statement, "DANGER - ELECTRIC FENCE," or an equivalent, together with a pictorial warning. The signs shall be posted at an interval of not more than 60 feet.
- (ff) Emergency access. Fire department access shall be provided in accordance with the Salem Fire Prevention Code. An approved method to manually disconnect electrical power to all portions of the fence and gates shall be provided at an exterior location. The method and location of the electrical disconnect shall be approved by the Salem Fire Code Official.

**Response: No Barbed wire or electric fencing proposed.**

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

### **Sec. 800.055. Solid waste service areas.**

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

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

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

FIGURE 800-6 REDUCED OVERHEAD OR VERTICAL CLEARANCE FOR PARTIALLY ROOFED ENCLOSURES

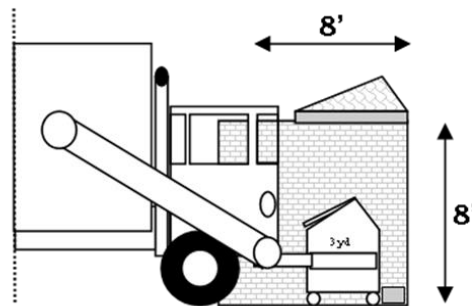
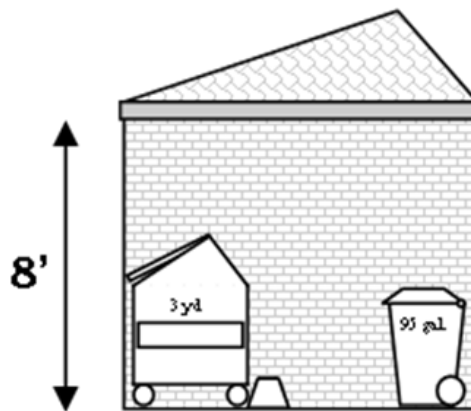


FIGURE 800-7 REDUCED OVERHEAD OR VERTICAL CLEARANCE FOR ENCLOSURES WITH INTERNAL PHYSICAL BARRIER



- (c) *Permanent drop box and compactor placement standards.*
  - (1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.

- (2) All permanent compactors shall be placed on a concrete pad that is structurally engineered or in compliance with the manufacturer specifications. The pad shall have a slope of no more than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- (3) Pad area. The pad area shall be a minimum of 12 feet in width. The pad area shall extend a minimum of five feet beyond the rear of the permanent drop box or compactor.
- (4) Minimum separation. A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.
- (d) *Solid waste service area screening standards.*
  - (1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.
  - (2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.
- (e) *Solid waste service area enclosure standards.* When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.
  - (1) *Front opening of enclosure.* The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.
  - (2) *Measures to prevent damage to enclosure.*
    - (A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.
    - (B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.
    - (C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:
      - (i) A minimum distance of two feet from the sides of the container or receptacles; and
      - (ii) A minimum of three feet from the rear of the container or receptacles.
  - (3) *Enclosure gates.* Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.
  - (4) *Prohibited enclosures.* Receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are:
    - (A) Stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or
    - (B) Stored in a building or structure of a fire resistive Type I or Type IIA construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.
- (f) *Solid waste service area vehicle access.*

(1) Vehicle operation area.

- (A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.
- (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
- Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
  - Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
  - In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.

FIGURE 800-8. VEHICLE OPERATION AREA PERPENDICULAR TO FRONT OF ENCLOSURE

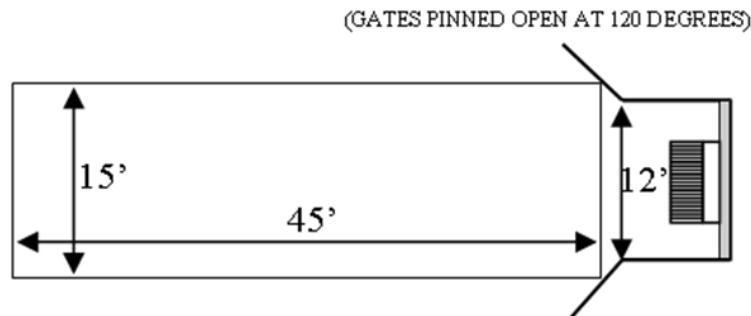
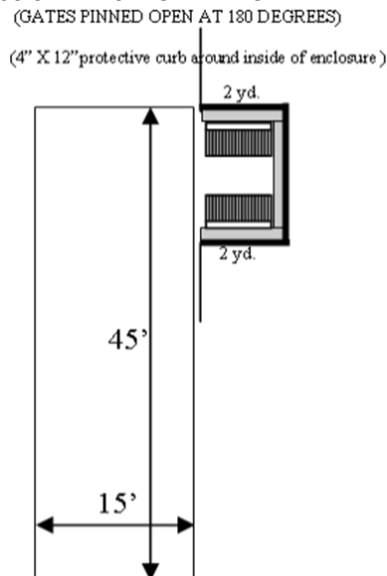


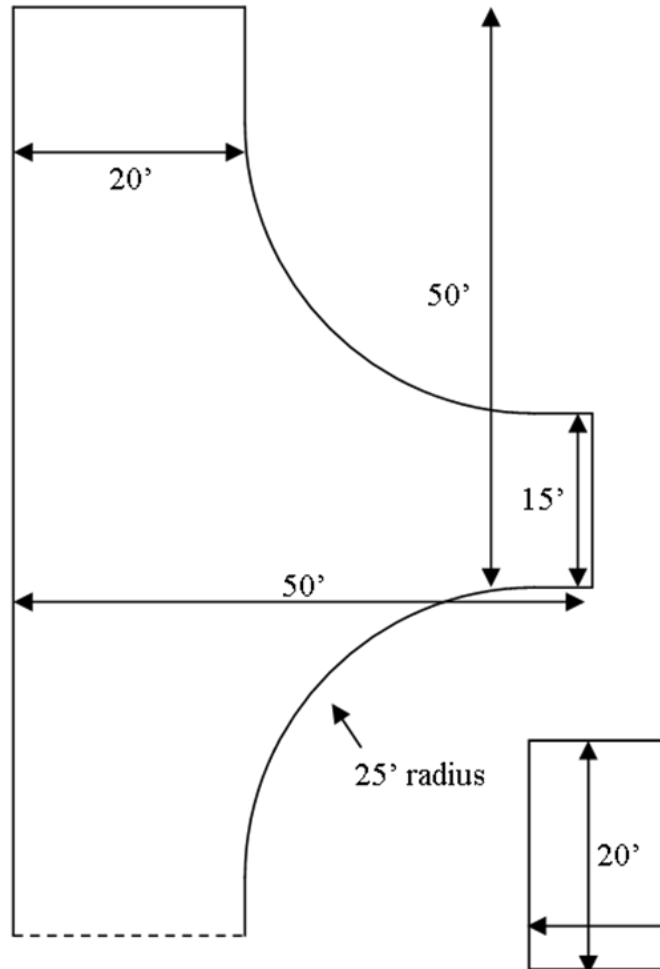
FIGURE 800-9. VEHICLE OPERATION AREA PARALLEL TO FRONT OF ENCLOSURE



- (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.

- (D) Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
- (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

FIGURE 800-10. VEHICLE OPERATION AREA PARALLEL TO FRONT OF ENCLOSURE



- (2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.
- (3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.
- (4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.
- (g) *Notice to solid waste collection franchisee.* Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required under this subsection shall be in addition to the notification required for a variance or adjustment under SRC chapter 300.

(Prior Code, § 800.055; Ord. No. 31-13; Ord. No. 1-20 , § 2(Exh. B), 2-24-2020)



Response: Not applicable, we propose to use individual rolling bins for each tenant in lieu of a common receptacle.

#### **Sec. 800.060. Exterior lighting.**

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

Response: proposed lighting will be shielded in conformance with this section.

#### **Sec. 800.065. Pedestrian access.**

Except where pedestrian access standards are provided elsewhere under the UDC, and unless otherwise provided in this section, all developments, other than development of single-family, two-family, three-family, and four-family uses, and multiple family uses subject to SRC chapter 702, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area. Development also does not include the installation of electric vehicle charging stations in existing approved parking lots or vehicle use areas.

- (a) *Pedestrian connections required.* The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:
  - (1) *Connection between building entrances and streets.*
    - (A) Except as otherwise provided in this subsection, a pedestrian connection shall be provided between the primary building entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street (see Figure 800-11).
    - (B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-12).
    - (C) A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if:
      - (i) The development site is a corner lot and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or
      - (ii) The building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy.
  - (2) *Connection between buildings on the same development site.*
    - (A) Except as otherwise provided in this subsection, where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.
    - (B) A pedestrian connection, or pedestrian connections, is not required between buildings on the same development site if:
      - (i) The buildings have a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting a street; and
      - (ii) A public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances; or

- (iii) The buildings are service, storage, maintenance, or similar type buildings not primarily intended for human occupancy.

Response: All proposed buildings have a primary entrance within 20ft of the property line with a pedestrian connection, and the public sidewalk provides a connection between the proposed buildings. Therefore, no pedestrian connections are required between the proposed buildings.

(3) *Connection through off-street parking areas.*

- (A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance or where there is no building, through the parking area as provided in this subsection.

- (i) The pedestrian connections shall be:

- (aa) Provided in a minimum amount of either one connection for every four drive aisles or one connection for every 250 feet (See Figure 800-13); provided, however, in no case shall less than one pedestrian connection be provided. Where the pedestrian connection requirements of this subsection result in a fractional number, any fractional number greater than 0.5 shall be round up to require an additional pedestrian connection;

- (bb) Spaced a minimum of two drive aisles apart; and

- (cc) Connected to a pedestrian connection, or pedestrian connections, that lead to the primary building entrance. Where there is no building, the pedestrian connections shall connect to the street either at the sidewalk or at the public street right-of-way when there is no sidewalk.

- (ii) Where the off-street surface parking area is adjacent to a street that is a transit route and there is an existing or planned transit stop along the street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.

- (iii) A pedestrian connection provided between a primary building entrance and a street may be counted as a required connection through an off-street surface parking area.

- (iv) Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet. For purposes of this subsection, parking area depth is measured through the parking area from its outside edge towards the building.

- (v) For purposes of this subsection, off-street surface parking area means:

- (aa) An off-street surface parking area that is separated from other off-street surface parking areas on the development site by either a driveway, which begins at the street and extends into the site, or other physical separation; or

- (bb) An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.

- (B) Parking structures and parking garages. Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

Response: Not applicable.

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

Response: Not applicable.

- (5) *Connection to abutting properties.* Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:
- (A) To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC chapter 400:
    - (i) Single-family;
    - (ii) Two-family;
    - (iii) Group living;
    - (iv) Industrial;
    - (v) Infrastructure and utilities; and
    - (vi) Natural resources.
  - (B) Where the use of an abutting property has specific security needs that make providing a connection impractical or undesirable;
  - (C) Where on-site activities on abutting properties, such as the operation of trucks, forklifts, and other equipment and machinery would present safety conflicts with pedestrians;
  - (D) Where buildings or other improvements on abutting properties physically preclude a connection now or in the future; or
  - (E) Where physical conditions of the land, such as topography or existing natural resource areas, including, but not limited to, wetlands, ponds, lakes, streams, or rivers, make providing a connection impractical.

Response: Not applicable.

- (b) *Design and materials.* Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Where a path or trail identified in the Salem Transportation System Plan (TSP) or Salem Comprehensive Parks System Master Plan is required, the path or trail shall conform to the applicable standards of the TSP or Salem Comprehensive Parks System Master Plan in-lieu of the standards in this subsection.
- (1) Walkways shall conform to the following:
- (A) Material and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and shall be a minimum of five feet in width.
  - (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
  - (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.
- (2) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

Response: Proposed design conforms to these standards.

- (c) *Lighting.* The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

Response: Proposed design includes pathway lighting either from standalone pedestals or wall mounted lights.

- (d) *Applicability of standards to development sites comprised of lots under separate ownership.*
  - (1) When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.
  - (2) Where the pedestrian access standards of this section would otherwise require additional pedestrian connections throughout the development site beyond just the lot, or lots, proposed for development and any contiguous lots under the same ownership, the required pedestrian connections shall be extended to the boundaries of the lot, or lots, proposed for development and any contiguous lots under the same ownership in order to allow for future extension of required pedestrian connections through the other lots within the development site in conformance with the standards in this section.

Response: Not applicable.

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## CHAPTER 804. DRIVEWAY APPROACHES

### Sec. 804.025. Class 2 driveway approach permit.

- (a) *Required.* A Class 2 driveway approach permit is required for:
  - (1) A driveway approach onto a local, collector, minor arterial, major arterial, or parkway street providing access to a use other than single family, two family, three family, or four family;
  - (2) Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.
- (b) *Procedure type.* A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:
  - (1) A completed application form.
  - (2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
    - (A) The location and dimensions of the proposed driveway approach;
    - (B) The relationship to nearest street intersection and adjacent driveway approaches;
    - (C) Topographic conditions;
    - (D) The location of all utilities;
    - (E) The location of any existing or proposed buildings, structures, or vehicular use areas;
    - (F) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and
    - (G) The location of any street trees adjacent to the location of the proposed driveway approach.
  - (3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.
  - (4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (d) *Criteria.* A Class 2 driveway approach permit shall be granted if:
  - (1) The proposed driveway approach meets the standards of this chapter and the Public Works Design Standards;
  - (2) No site conditions prevent placing the driveway approach in the required location;
  - (3) The number of driveway approaches onto an arterial are minimized;
  - (4) The proposed driveway approach, where possible:
    - (A) Is shared with an adjacent property; or
    - (B) Takes access from the lowest classification of street abutting the property;
  - (5) The proposed driveway approach meets vision clearance standards;
  - (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
  - (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
  - (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
  - (9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

**Response:** A Class 2 Driveway approach permit will be applied for as part of this project.

### Sec. 804.030. Access onto local and collector streets.

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

**Response:** One driveway is proposed onto Oak St.

- (b) *Permitted access.*

- 
- (1) Driveway approaches onto local and collector streets shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.

Response: Driveway will provide access to a permitted parking area.

- (2) No access shall be provided onto a local or collector street from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.

Response: Project is a multi-family use partially abutting an alley, so not applicable.

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

Response: Centerline of driveway will be roughly 113ft from centerline of 17<sup>th</sup> St. This is the furthest from 17<sup>th</sup> that the driveway can be placed due to the dimensions of the lot.

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

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

Response: No access is proposed onto a major or minor arterial.

**Sec. 804.040. Access onto parkways.**

Response: No access is proposed onto a parkway.

**Sec. 804.045. Shared access.**

Response: No shared access is proposed.

**Sec. 804.050. Driveway approach development standards.**

Driveway approaches shall conform to the following development standards:

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

- (b) *Width.*

- (1) *Driveway approach width for single family, two family, three family, and four family uses.*

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

Response: Not applicable.

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

TABLE 804-2. DRIVEWAY APPROACH WIDTH FOR USES OTHER THAN SINGLE FAMILY, TWO FAMILY, THREE FAMILY, OR FOUR FAMILY		
Type of Driveway	Width	
	Minimum	Maximum
Two-way driveway approach	22 ft.	40 ft.

Response: Proposed driveway is 22ft in width.

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

Response: The proposed driveway measures 22ft in width at the property line.

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

Response: No required signage or markings required for this driveway.

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

Response: Not applicable.

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**Sec. 804.060. Driveway approach closure.**

Response: Not applicable.

## CHAPTER 805. VISION CLEARANCES

### Sec. 805.005. Vision clearance areas.

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

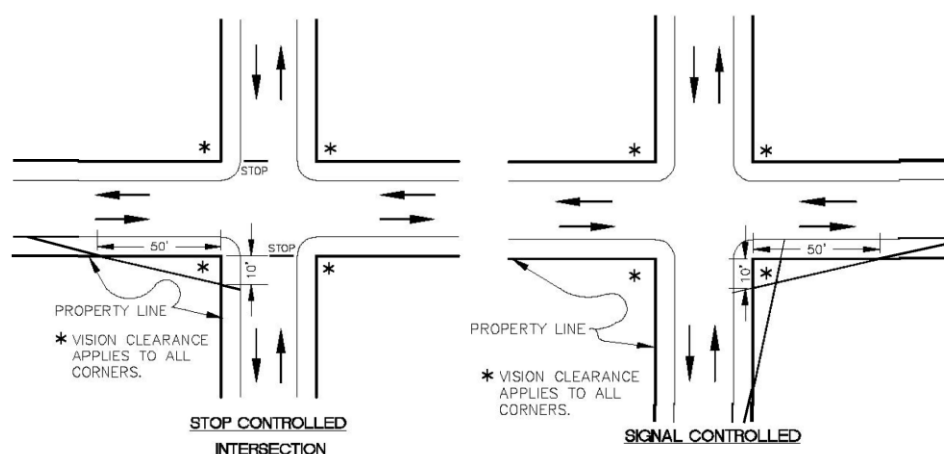
(a) *Street intersections.* Vision clearance areas at street intersections shall comply with the following:

(1) *Uncontrolled intersections.* At uncontrolled intersections, the vision clearance area shall have 30-foot legs along each street (see Figure 805-1).

Response: Project is not adjacent to an uncontrolled intersection, section does not apply.

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

FIGURE 805-2. CONTROLLED INTERSECTIONS



Response: Project is adjacent to a stop sign controlled intersection. Oak St has a stop sign at its intersection with 17<sup>th</sup>. The vision clearance at this stop is clear of obstruction, measured from 17<sup>th</sup> st ROW line.

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

Response: Project is not adjacent to a one way street, section does not apply.

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

(1) *Driveways.*

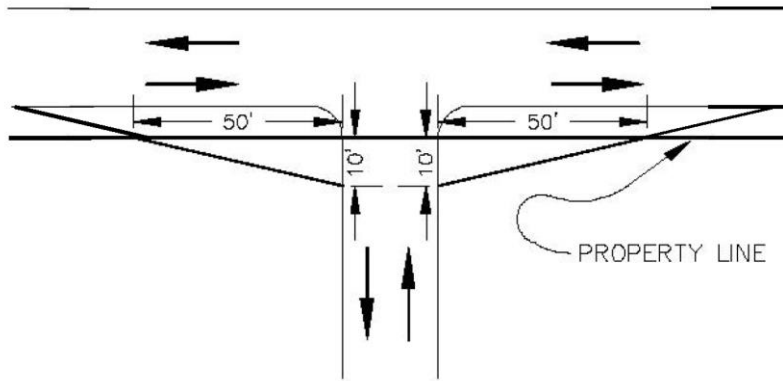
(A) Driveways serving single family and two family uses. Driveways serving single family and two family uses shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along each side of the driveway, and ten-foot legs along the intersecting street or alley (see Figure 805-4).

Response: Section does not apply.

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

FIGURE 805-5. DRIVEWAYS SERVING USES OTHER THAN SINGLE FAMILY AND TWO FAMILY





Response: Vision clearance is provided at the proposed driveway, utilizing fencing materials that do not inhibit vision.

(2) *Flag lot accessways.*

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

Response: Section does not apply.

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

Response: Section does not apply.

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

Response: Section does not apply.

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

**Sec. 805.010. Obstructions to vision prohibited.**

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

Response: Vision clearance areas provided in this project are free of visual obstacles, utilizing fencing materials that do not inhibit vision.

- (a) The following obstructions may be placed in a vision clearance area, unless the cumulative impact of the placement results in an obstruction to vision:
- (1) A column or post, so long as the column or post does not create a visual obstruction greater than 12 inches side-to-side.

Response: Fence posts are less than 5" in diameter, exceeding requirements of this section.

- (2) Utility poles and posts, poles, or supporting members of street signs, street lights, and traffic control signs or devices installed by, or at the direction of, the Public Works Department or any other public agency having jurisdiction over the installation.

Response: Nothing in this section is proposed.

- 
- (3) On-street parking.

Response: Noted, none specified.

- (b) Trees. Trees may be planted within a vision clearance area provided they are a species listed on the parks approved street tree list, and they comply with the following:

- (1) The planting area is sufficient to support the tree when mature.
- (2) The tree will not interfere with overhead utilities.
- (3) The tree is a species that can be trimmed/pruned to provide necessary visibility.

Response: No trees proposed in vision clearance areas.

- (c) Nothing in this chapter shall be deemed to waive or alter any requirements relating to setbacks or landscaping in the UDC. In the event of a conflict between the standards of this chapter and another chapter of the UDC, the standards in this chapter shall control.

#### **Sec. 805.015. Alternative standards.**

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

## **CHAPTER 806. OFF-STREET PARKING, LOADING AND DRIVEWAYS**

### **Sec. 806.001. Purpose.**

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

### **Sec. 806.015. Amount off-street parking.**

(a) *Maximum off-street parking.*

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

**TABLE 806-1. MAXIMUM OFF-STREET PARKING**

<b>Use</b>	<b>Maximum Number of Spaces Allowed<sup>(1), (2), (3)</sup></b>	<b>Limitations and Qualifications</b>
<b>Household Living</b>		
Multiple family	1.75 per dwelling unit	Applicable to all other dwelling units.

**Response: Proposed development includes (12) parking spaces and (12) dwelling units:  $1/1 < 1/1.75$  - complies.**

(b) *Compact parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.

**Response: of the (12) spaces, (7) are compact.  $7/12 = 58\% < 75\%$ , complies.**

(c) *Carpool and vanpool parking.* New developments with 60 or more off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

**Response: Not applicable.**

(d) *Required electric vehicle charging spaces.* For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

**Response: (6) stalls are designated for EV charging and provided conduits for future installation.  $6/12 = 50\% > 40\%$ , complies.**

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

(a) *General.* If provided, off-street parking shall be accommodated through one or more of the following methods:

- (1) *Ownership.* Ownership in fee by the owner of the property served by the parking;
- (2) *Easement.* A permanent and irrevocable easement appurtenant to the property served by the parking;
- (3) *Lease Agreement.* A lease agreement;
- (4) *Lease or rental agreement in parking structure.* A lease or rental agreement in an off-street parking facility established pursuant to ORS 223.805 to 223.845.

(b) *Review and filing of agreement.* Prior to execution of any lease or rental agreement set forth in this section, the form of such agreement shall be reviewed by the City Attorney. An executed copy of the approved agreement shall be filed with the Planning Administrator.

**Response: Parking is owned by the property owner and provided to tenants as part of their lease agreement.**

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

Response: Section not applicable.

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

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

(a) *General applicability.* The off-street parking and vehicle use area development standards set forth in this section shall apply to:

- (1) The development of new off-street parking and vehicle use areas;
- (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
- (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
- (4) The paving of an unpaved area.

Response: Proposed development is all new off-street parking, as well as improving existing alleyway.

(b) *Location.*

- (1) *Generally.* Off-street parking and vehicle use areas shall not be located within required setbacks.

Response: Proposed parking is within property setbacks.

- (2) *Carpool and vanpool parking.* Response: Not applicable.
- (3) *Underground parking.* Response: Not applicable.

(c) *Perimeter setbacks and landscaping.*

- (1) *Perimeter setbacks and landscaping, generally.*

(A) *Perimeter setbacks.* Perimeter setbacks, as set forth in this subsection, 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. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:

- (i) Off-street parking and vehicle use areas abutting an alley.

Response: noted, a majority of the off street parking abuts the alley.

- (ii) Vehicle storage areas within the IG zone.
- (iii) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.
- (iv) Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.
- (v) Underground parking.

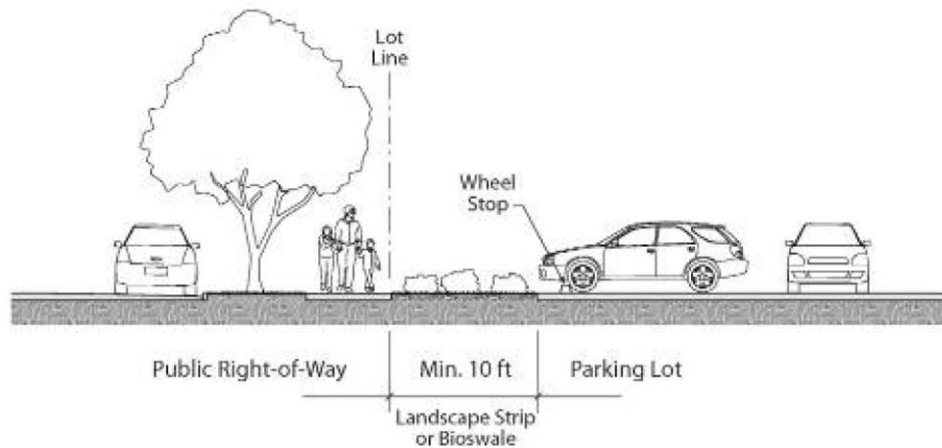
(B) *Perimeter landscaping.* Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.

- (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.

Response: Proposed parking is set back from all adjacent streets, utilizing Method A.

- (A) *Method A.* The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

FIGURE 806-1. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD A



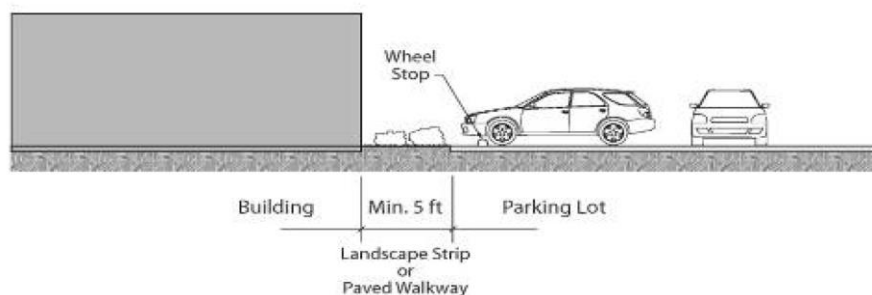
- (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

**Response:** Proposed vehicle use area (driveway) is adjacent to the side property line at the NE corner of the property. We will request a variance to allow the driveway to be tight up to the property line in order to best meet other development standards.

- (4) *Setback adjacent to buildings and structures.* Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.

**Response:** Where spaces are adjacent to proposed buildings, 5ft setback is provided utilizing either a landscape strip or pathway. For parking underneath proposed buildings, 5ft clear is provided in front of both stalls, with 3ft provided between building and closest stall for car door clearance.

FIGURE 806-6. LANDSCAPING ADJACENT TO A BUILDING



- (5) *Perimeter setbacks and landscaping for parking garages.* **Response: Not Applicable.**
- (d) *Interior landscaping.*
- (1) *Interior landscaping, generally.* Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:

**Response:** Proposed off-street parking area is roughly 4,600sf < 5,000sf so this section does not apply.

- (e) *Off-street parking area dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-5; provided, however, minimum off-street parking area dimensions shall not apply to:

- (1) Vehicle storage areas.
- (2) Vehicle display areas.

**TABLE 806-5. MINIMUM OFF-STREET PARKING AREA DIMENSIONS**

Parking Angle A <sup>(3)</sup>	Type of Space	Stall Width B <sup>(3)</sup>	Stall to Curb C <sup>(3)</sup>	Aisle Width <sup>(1),(2)</sup> D <sup>(3)</sup>	Curb Length E <sup>(3)</sup>	Front of Stall to Front of Stall F1 <sup>(3)</sup>	Overlap Front of Stall to Front of Stall F2 <sup>(3)</sup>
90°	Compact	8'0"	15.0	22.0	8.0	54.0	-
		8'6" <sup>(5)</sup>	15.0	22.0	8.0	54.0	-
	Standard	9'0"	19.0	24.0	9.0	62.0	-
		9'6"	19.0	24.0	9.5	62.0	-
		10'0"	19.0	24.0	10.0	62.0	-

**Limitations and Qualifications**

- (1) For two-way circulation the width of an aisle shall be a minimum of 22 feet.
- (2) The width of an aisle serving both standard and compact parking spaces 80 degrees or more shall be a minimum of 24 feet.
- (3) See Figure 806-8 for corresponding off-street parking area layout requirements.
- (4) Minimum 8'6" standard stall width applies within parking structures of two or more stories.
- (5) Minimum 8'6" compact stall width applies when the side of the parking space abuts a wall or post.

- (f) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:

- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and

Response: noted.

- (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.

Response: turnaround provided at end of alleyway.

**FIGURE 806-9. OFF-STREET PARKING AREA TURNAROUND**

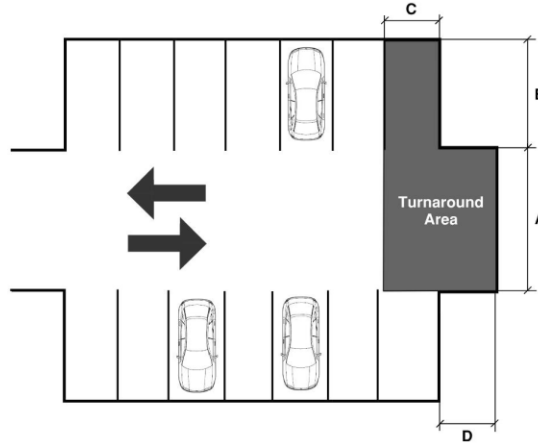


TABLE 806-6. MINIMUM OFF-STREET PARKING AREA TURNAROUND DIMENSIONS

Aisle Width A	Turnaround Dimensions		
	B	C	D
24 ft. or less	15 ft.	9 ft.	6 ft.

- (g) *Grade.* Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.

Response: Noted, proposed design does not exceed 10% grade.

- (h) *Surfacing.* Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-10). Such two-foot landscaped area may count towards meeting interior off-street parking area landscaping requirements when provided abutting a landscape island or planter bay with a minimum width of five feet, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:
- (1) Vehicle storage areas within the IG zone.
  - (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
  - (3) Gravel off-street parking areas, approved through a conditional use permit.

Response: surface of parking areas will be asphalt or concrete per plan.

- (i) *Drainage.* Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

Response: noted, drainage currently to alley where new stormdrains connect to existing city stormdrains.

- (j) *Bumper guards or wheel barriers.* Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property; provided, however, bumper guards or wheel barriers are not required for:
- (1) Vehicle storage areas.
  - (2) Vehicle sales display areas.

Response: All parking stalls are equipped with a wheel bumper.

- (k) *Off-street parking area striping.* Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:

Response: Noted, parking spaces will be striped.

- (l) *Marking and signage.*

- (1) *Off-street parking and vehicle use area circulation.* Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle

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movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.

Response: noted, if signs are included, they will conform.

- (2) *Compact parking.* Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.

Response: noted, compact spaces will be marked.

- (3) *Carpool and vanpool parking.* Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.

Response: not applicable.

- (m) *Lighting.* Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

Response: lighting will be provided by wallpacks on adjacent buildings, and will be shielded to prevent spillage.

- (n) *Additional standards for new off-street surface parking areas more than one-half acre in size.*

Response: proposed off-street parking area is less than one-half acre in size, does not apply.

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

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

- (a) *Access.* Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC chapter 804.

Response: off street parking is provided with a single driveway and a turnaround.

- (b) *Location.* Driveways shall not be located within required setbacks except where:

- (1) The driveway provides direct access to the street, alley, or abutting property.

Response: The proposed driveway is in the required setbacks where it provides direct access to the street.

- (2) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.

- (c) *Setbacks and landscaping.*

- (1) *Perimeter setbacks and landscaping, generally.* Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:

- (A) The driveway provides direct access to the street, alley, or abutting property.

Response: The proposed driveway does not require a setback as it provides direct access to the street.

- (B) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.

- (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, driveways abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).

- (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, driveways abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Response: since the proposed driveway is providing direct access to the street, no setback is required.



(d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-8.

TABLE 806-8. MINIMUM DRIVEWAY WIDTH

Type of Driveway	Width	Inside Radius of Curves & Corners
One-way driveway	12 ft.	25 ft., measured at curb or pavement edge
Two-way driveway	22 ft.	25 ft., measured at curb or pavement edge

Response: driveway is a minimum of 22ft in width, with a 25ft radius curve where required.

- (e) *Surfacing.* All driveways, other than access roads required by the Public Works Design Standards to provide access to City utilities, shall be paved with a hard surface material meeting the Public Works Design Standards. Access roads required by the Public Works Design Standards to provide access to City utilities shall be an all-weather surface material meeting the Public Works Design Standards; provided, however, the first ten feet of the access road leading into the property, as measured from the property line, shall be paved with a hard surface material.

Response: driveway is asphalt and/or concrete per plan.

- (f) *Drainage.* Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

Response: driveway design is based on Public Works standard drawing 301.

- (g) *"No Parking" signs.* Driveways shall be posted with one "no parking" sign for every 60 feet of driveway length, but in no event shall less than two signs be posted.

Response: signs will be posted per drawings.

#### Sec. 806.045. Bicycle parking; when required.

- (a) *General applicability.* Bicycle parking shall be provided as required under this chapter for:
- (1) Each proposed new use or activity.
  - (2) Any change of use or activity.
  - (3) Any intensification, expansion, or enlargement of a use or activity.

Response: proposed project includes new use of multi-family residential, so bicycle parking is required.

- (b) *Applicability to change of use of existing building in Central Business District (CB), West Salem Central Business District (WSCB), Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), Mixed Use-Riverfront (MU-R), and Edgewater/Second Street Mixed-Use Corridor (ESMU) zone.* Response: Not Applicable.
- (c) *Applicability to nonconforming bicycle parking area.* Response: Not applicable.

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

Except as otherwise provided in this chapter, bicycle parking shall be located on the same development site as the use or activity it serves.

Response: Bicycle parking will be provided on site.

#### Sec. 806.055. Amount of bicycle parking.

- (a) *Minimum required bicycle parking.* Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

TABLE 806-9. BICYCLE PARKING

Use	Minimum Number of Spaces Required <sup>(1), (2)</sup>	Maximum Percentage of Long-Term Spaces Allowed <sup>(3)</sup>	Limitations & Qualifications
<b>Household Living</b>			
Multiple family	1 space per dwelling unit	100%	

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(2) The minimum bicycle parking spaces required in this table shall be developed as short-term spaces except when the applicant chooses to designate an allowed percentage of those spaces as long-term bicycle parking spaces.

(3) The maximum percentage of long-term bicycle parking spaces is based only on the minimum required number of bicycle parking spaces, not the actual number of bicycle parking spaces provided.

- (b) *Long-term bicycle parking.* Long-term bicycle parking may be provided to satisfy a percentage of the minimum bicycle parking spaces required under this chapter. Such long-term bicycle parking shall not exceed the amounts set forth in Table 806-9. The maximum percentage of long-term bicycle parking allowed is based solely on the minimum number of bicycle parking spaces required. This standard shall not be construed to prohibit the provision of additional long-term bicycle parking spaces provided the minimum number of required spaces is met. *(Example: A restaurant requiring a minimum of four bicycle parking spaces may, but is not required to, designate one of the required spaces as a long-term space. Additional short-term and long-term spaces may be provided as long as the minimum required three short-term spaces are maintained).*

**Response: No long-term bicycle parking is proposed.**

### **Sec. 806.060. Bicycle parking development standards.**

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

(a) *Location.*

- (1) *Short-term bicycle parking.* Short-term bicycle parking shall be located outside a building within a convenient distance of, and clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.

**Response: proposed bike parking are all within 50ft of building entrances.**

(2) *Long-term bicycle parking.*

(A) *Generally.* Long-term bicycle parking shall be located:

- (i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or
- (ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.

(B) *Long-term bicycle parking for residential uses.* Long-term bicycle parking spaces for residential uses shall be located within:

- (i) A residential dwelling unit;
- (ii) A lockable garage;
- (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
- (iv) A lockable bicycle enclosure; or
- (v) A bicycle locker.

(C) *Long-term bicycle parking for non-residential uses.* Long-term bicycle parking spaces for non-residential uses shall be located within:

- (i) A restricted access lockable room;
- (ii) A lockable bicycle enclosure; or
- (iii) A bicycle locker.

**Response: no long term bike parking is proposed.**

- (b) *Access.* All bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

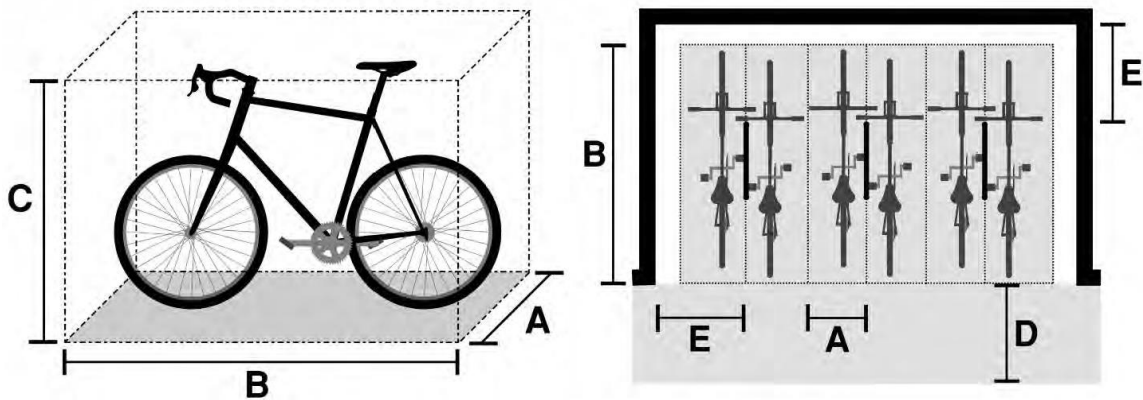
**Response: all proposed bike parking is on accessible paths.**

- (c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:

- (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
- (2) *Access aisles.* Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

**TABLE 806-10. MINIMUM BICYCLE PARKING SPACE & ACCESS DIMENSIONS**

Space Type	Space Width A	Space Length B	Space Height C	Access Aisle Width D	Clearance Between Rack & Wall E
<b>Horizontal Spaces<sup>(1)</sup></b>					
Standard	2 ft.	6 ft.	4 ft.	4 ft.	2 ft.
Side-by-side <sup>(2)</sup>	1.5 ft.				



**Limitations and Qualifications**

- (1) For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space.
- (2) Applies where bike racks are located side-by-side. For vertical spaces, the alternative 1.5 ft. space width requires a minimum vertical stagger of 8 inches between each space.

**Response: provided bike parking conforms to the above standards.**

- (c) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

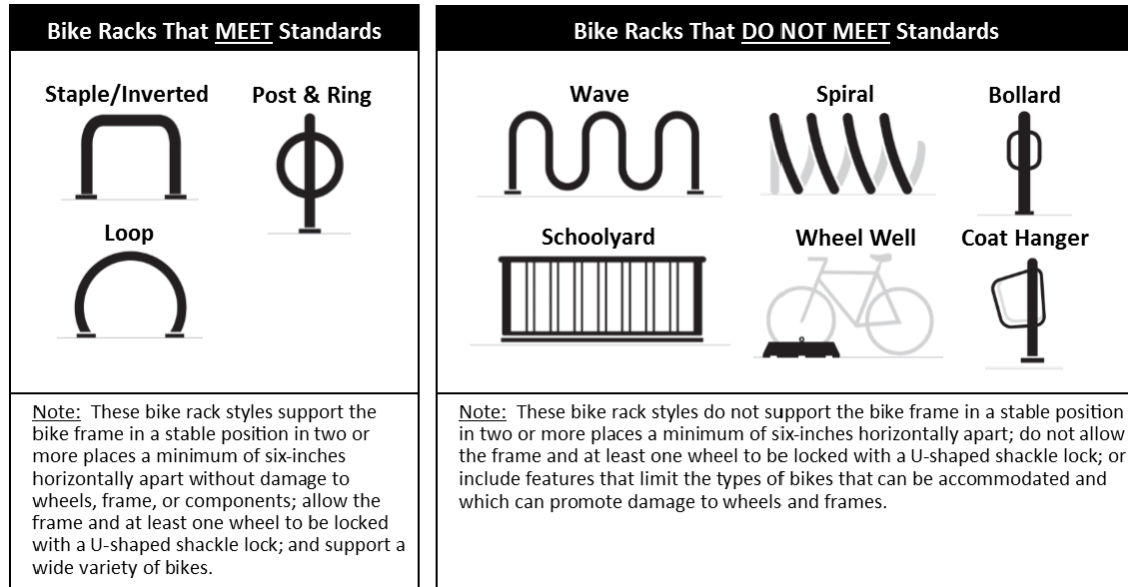
**Response: Proposed bike parking spaces are on concrete.**

- (e) *Bicycle racks.* Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:
  - (1) Racks must support the bicycle in a stable position.
    - (A) For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
    - (B) For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.
  - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;

- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

(f) *Bicycle lockers.* **Response: Not applicable**

**FIGURE 806-12. EXAMPLES OF BIKE RACKS THAT DO AND DO NOT MEET STANDARDS**



**Response: proposed bicycle parking utilizes a pair of staple style racks at each location.**

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

- (a) *General applicability.* **Response: section not applicable per table 806-11**
- (b) *Applicability to nonconforming off-street loading area.* **Response: Not applicable.**

**Sec. 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.

**Sec. 806.075. Amount of off-street loading.**

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

TABLE 806-11. MINIMUM OFF-STREET LOADING; DIMENSIONS						
Use Category/Use	Minimum Number of Spaces Required <sup>(1)</sup>		Dimensions			Limitations & Qualifications
			Width	Length	Height	
<b>Use:</b>	None	5 to 49 dwelling units	N/A	N/A	N/A	
■ Multiple family						

**Response: (12) dwelling units, so no off street loading area is required.**

- (a) *Off-street parking used for loading.*

**Sec. 806.080. Off-street loading development standards.**

**Response: Off street loading areas not required per table 806-11**

## CHAPTER 807. LANDSCAPING AND SCREENING

### Sec. 807.001. Purpose.

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

### Sec. 807.015. Landscaping and screening.

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

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

TABLE 807-1. LANDSCAPING TYPES		
Landscaping Type	Required Plant Units (PU)	Required Screening
A	Min. 1 PU per 20 sq. ft. of landscaped area	None

Response: Landscaping type A is used in all parts of the project.

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

Response: minimum 40% of PU as trees provided, see Sheets SPR-5A & SPR-5B for calculations.

TABLE 807-2. PLANT MATERIALS AND MINIMUM PLANT UNIT VALUES		
Plant Material	Plant Unit (PU) Value	Size at Planting
1 mature tree	15 PU	
1 shade tree	10 PU	1.5 in. to 2 in. caliper
1 evergreen/conifer tree	5 PU	6 ft. to 8 ft. height
1 ornamental tree	2 PU	1 in. to 1.5 in. caliper
1 large deciduous or evergreen shrub (at maturity: over 4 ft. wide; 4 ft. high)	2 PU	Min. 3 gallon or balled and burlapped
1 small to medium shrub (at maturity: maximum 4 ft. wide; 4 ft. high)	1 PU	Min. 1 gallon
Lawn or other ground cover	1 PU per 50 sq. ft.	

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

Response: multiple trees are planned to be preserved in this project. Along the south property line, three existing poplar trees are utilized in the landscape calculations.

- (d) *Tree replanting requirements.* In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or

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from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

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

**Response: No trees are proposed to be removed as part of this project.**

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

**Response: The only location that screening might be required is at the NE corner where the property abuts the adjacent RS zoned property. However, since this is both the driveway access to the vehicle use area, and a potential future extension of the existing alleyway, we propose to install no screening at this location.**

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

**Response: No berms required or proposed.**

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

**Response: Noted, existing street trees are being retained, and additional are being planted per SRC 86.**

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

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

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

- (1) Scale and north arrow.
- (2) Lot dimensions and footprint of structure(s).
- (3) A legend indicating the linear footage of perimeter setbacks abutting a street or right-of-way; the linear footage of perimeter setbacks not abutting a street or right-of-way; total building square footage; total square footage of the interior area of the off-street parking area, calculated per SRC 806.035(d)(2); and total number of parking spaces.

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- (4) The location and size of plant materials, identified by common and botanical names, and their expected coverage within five years.
  - (5) The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.
  - (6) Fence or wall materials, when screening is required under the UDC.
  - (7) Abutting land uses.
  - (8) The type, size, and location of:
    - (A) Existing trees, as defined under SRC chapter 808, existing trees less than ten inches dbh, and vegetation that will be retained to satisfy landscaping requirements of this chapter.
    - (B) Existing trees, as defined under SRC chapter 808, proposed for removal.
  - (9) Notwithstanding subsection (a)(8) of this section, where the development site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.
  - (10) An irrigation plan identifying the materials, size, and location of all components of the irrigation system.
  - (11) A two-year plant establishment schedule for:
    - (A) Landscaped areas where a permanent underground or drip irrigation system is not required because of the use of drought resistant vegetation; or
    - (B) New vegetation located within stormwater facilities.

**Response: a full landscape plan with irrigation will be provided with a building permit application. See SPR5-5D for preliminary landscaping design.**

**(b) Landscaping permit.**

- (1) *Applicability.* When development subject to the landscaping requirements of this chapter requires site plan review but a building permit application is not otherwise required, a landscaping permit as provided in this subsection shall be required.

**Response: A building permit will be applied for, so this section is not applicable.**

**Sec. 807.025. Plant material standards.**

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

**Response: Noted.**

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

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

**Response: Noted.**

**Sec. 807.035. Installation.**

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

**Response: Noted.**

**Sec. 807.040. Irrigation.**

- (a) A permanent underground or drip irrigation system with an approved backflow prevention device shall be provided for all landscaped areas required under the UDC; provided, however, a permanent underground or drip irrigation system is not required for:
  - (1) Existing healthy vegetation that has been established for at least two years and that is being preserved to meet the landscaping requirements under this chapter;
  - (2) New vegetation that is drought resistant, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material; and



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- (3) New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.

Response: an irrigation plan will be provided with the building permit application.

- (b) Wherever feasible, sprinkler heads irrigating lawns or other high-water-demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery, or other reduced-water-requirement areas.

Response: noted.

**Sec. 807.045. Maintenance.**

- (a) The owner and tenant shall be jointly and severally responsible for maintaining all landscaping material in good condition so as to present a healthy, neat, and orderly appearance.
- (b) Unhealthy or dead plant materials shall be replaced in conformance with the approved landscape plan.

Response: Noted.

**Sec. 807.050. Compliance/performance assurance.**

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

Response: Noted.

**Sec. 807.055. Administrative relief.**

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

- (a) The proposed landscaping meets the intent of providing a buffer between adjacent uses of differing character;
- (b) The proposed landscaping incorporates the increased retention of mature tree(s);
- (c) The proposed landscaping provides protection for wildlife habitat and existing native vegetation and plant materials maintained in a natural state; or
- (d) The proposed landscaping incorporates elements to maintain solar access or provides for wind protection.

Response: Noted, no administrative relief regarding landscaping is planned at this time.



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## **CHAPTER 808. PRESERVATION OF TREES AND VEGETATION**

### **Sec. 808.001. Purpose.**

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

(Prior Code, § 808.001; Ord. No. 31-13)

### **Sec. 808.005. Definitions.**

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

*Arborist* means a person who has met the criteria for certification from the International Society of Arboriculture or the American Society of Consulting Arborists and maintains a current accreditation.

*Caliper* means the diameter of a tree trunk measured at six inches above ground level for trunks up to and including four-inch caliper size and at 12 inches above ground level for larger sizes, when measuring nursery stock.

*Critical root zone* means the circular area beneath a tree established to protect the tree's trunk, roots, branches, and soil to ensure the health and stability of the tree. The critical root zone measures one-foot in radius for every one-inch of dbh of the tree or, as an alternative for non-significant trees, may be specifically determined by an arborist.

*Development* means to construct or structurally alter a structure or to make alterations or improvements to land for the purpose of enhancing its economic value or productivity.

*Development proposal* means any land division, mobile home park permit, conditional use, variance, greenway permit, planned unit development, or site plan review.

*Grove* means a group of trees providing at least one-half acre of canopy.

*Hazardous tree* means a tree that is cracked, split, leaning, has a dead top or a large dead limb high in the crown, or is otherwise physically damaged, to the degree that it is likely to fall and injure persons or property. Hazardous trees include diseased trees, meaning those trees with a disease of a nature that, without reasonable treatment or pruning, is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazardous trees.

*Heritage tree* means a tree designated as a heritage tree pursuant to SRC 808.010(a).

*Invasive non-native vegetation* means plant species that are not indigenous to Oregon and which, due to aggressive growth patterns and lack of natural enemies spread rapidly into native plant communities, and which are designated as invasive, non-native vegetation in the tree and vegetation technical manual.

*Preserved* means the tree appears to be healthy and shows no signs of significant damage due to construction.

*Restoration* means the return of a stream, wetland, or riparian corridor to a state consistent with habitat that is needed to support a healthy ecosystem.

*Significant tree* means:

- (a) A rare, threatened, or endangered tree of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual;
- (b) An Oregon white oak (*Quercus garryana*) with a dbh of 20 inches or greater; and
- (c) Any other tree with a dbh of 30 inches or greater, but excluding:
  - (1) Tree of heaven (*Ailanthus altissima*);
  - (2) Empress tree (*Paulownia tomentosa*);
  - (3) Black cottonwood (*Populus trichocarpa*); and
  - (4) Black locust (*Robinia pseudoacacia*).

*Suitable for preservation* means the health of the tree is such that it is likely to survive the process of development and construction in good condition and health.

*Top of bank* means the elevation at which water overflows the natural banks and begins to inundate the upland.

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*Tree* means any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is ten inches or more dbh, and possesses an upright arrangement of branches and leaves. The term "tree" also means any tree planted under SRC 808.035, regardless of dbh. For the purposes of this chapter, in a riparian corridor, the term "tree" includes a dead or dying tree that does not qualify as a hazardous tree.

*Tree and Vegetation Technical Manual* means that document adopted by the Council which contains administrative regulations to implement the provisions of this chapter, including, but not limited to, lists of invasive non-native vegetation and nuisance vegetation, native vegetation which may be planted to fulfill the requirements of this chapter, identification of waterways, and planting techniques.

*Tree removal* means to cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. The term "removal" includes, but is not limited to, topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. The term "removal" does not include normal trimming or pruning of trees.

*Water-dependent activity* means an activity which can be carried out only on, in, or adjacent to a waterway because the activity requires access to the waterway for water-borne transportation, recreation, energy production, or source of water.

(Prior Code, § 808.005; Ord. No. 31-13; Ord. No. 13-21 , § 1(Exh. A), 2-14-2022)

#### **Sec. 808.010. Heritage trees.**

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

**Response: To our knowledge, not heritage trees are present on or near the project site.**

#### **Sec. 808.015. Significant trees.**

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

**Response: No tree's are proposed to be removed as part of this project.**

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

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

**Response: Any clippings from tree's near the creek will be retained on site unless otherwise directed.**

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

**Response: Section not applicable.**

#### **Sec. 808.030. Tree and vegetation removal permits.**

**Response: No trees or vegetation are planned to be removed from project site, section not applicable.**

#### **Sec. 808.035. Tree conservation plans.**

- (a) *Applicability.* A tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

**Response: A tree conservation plan will be developed and provided with the building permit application. A preliminary plan is shown on the current landscape plans, see SPR-5 and SPR-5A.**

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- (b) *Procedure type.* A tree conservation plan is processed as a Type I procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree conservation plan shall include the following:
- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
    - (A) The total site area, dimensions, and orientation relative to north;
    - (B) Proposed lot or parcel lines;
    - (C) Site topography shown at two-foot contour intervals or, when grading of the property will be necessary to accommodate the proposed development, preliminary site grading shown at two-foot contour intervals;
    - (D) Identification of slopes greater than 25 percent;
    - (E) The location of any existing structures on the site;
    - (F) Identification of the type, size, location, and critical root zone of all existing trees on the property;
    - (G) Identification of those trees proposed for preservation and those designated for removal;
    - (H) The location of all utilities and other improvements;
    - (I) Required setbacks for the proposed lots or parcels;
    - (J) The locations and descriptions of staking or other protective devices to be used during construction; and
    - (K) The site plan may contain a grid or clear delineation of phases that depict separate areas in which work is to be performed and identification of those trees proposed for preservation and those designated for removal with each phase.
  - (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, the tree conservation plan shall include:
    - (A) A delineation of the boundaries of the riparian corridor on the site plan;
    - (B) A description of the vegetation within the riparian corridor;
    - (C) A tree and native vegetation replanting plan, in compliance with the standards set forth in SRC 808.055, if trees and native vegetation within the riparian corridor are proposed for removal.

**Response:** A riparian corridor is on the South end of the property, but no development is planned within the boundary.

- (3) An arborist report identifying the critical root zone for any non-significant tree whose critical root zone is proposed to be determined by an arborist.

**Response:** Noted.

- (4) For tree conservation plans designating less than 30 percent of the trees on the property for preservation, an explanation of how the mitigation measures of SRC 808.035(e) will be met.
- (d) *Approval criteria.*
- (1) An application for a tree conservation plan shall be granted if the following criteria are met:
    - (A) No heritage trees are designated for removal.
    - (B) No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees.
    - (C) No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation.
    - (D) Not less than 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees.
    - (E) When less than 30 percent of all trees located on the property are designated for preservation, the mitigation measures required under SRC 808.035(e) are met.

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- (2) When an approval criterion in this subsection requires a determination that there are no reasonable design alternatives that would enable preservation of a tree(s), the following factors, which include but are not limited to the following, shall be considered in making such determination:
- (A) *Streets*. The removal is necessary due to:
- (i) The location and alignment of existing streets extended to the boundary of the subject property;
  - (ii) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);
  - (iii) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;
  - (iv) Any relocation of the proposed street resulting in lots that do not meet lot standards;
  - (v) A required boundary street improvement.
- (B) *Utilities*. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.
- (C) *Site topography*. The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.
- (D) *Dwelling unit density*. The removal is necessary in order to meet a minimum dwelling unit density of 5.5 dwelling units per acre. In consideration of this factor:
- (i) Not more than 15 percent of the proposed dwelling units within the development shall be required to be designated for middle housing in order to meet density requirements and demonstrate there are no reasonable design alternatives enabling preservation of a tree(s); and
  - (ii) The following may be excluded from the total site area for purposes of calculating density:
    - (aa) Riparian corridors, provided the riparian corridor is not graded or developed;
    - (bb) Areas of the site with slopes exceeding 25 percent, provided such areas are not graded or developed; and
    - (cc) Open space that will preserve significant natural features, provided the perpetual maintenance and operation of the open space is provided by a home owners' association.
- (e) *Mitigation measures*. When less than 30 percent of all trees located on a property are designated for preservation under a tree conservation plan, any combination of one or more of the following mitigation measures shall be provided for each tree removed in excess of 70 percent:

Response: Section not applicable.

- (g) *Expiration*. A tree conservation plan shall remain valid as long as the development proposal the tree conservation plan is issued in connection with remains valid.

Response: Noted.

#### **Sec. 808.040. Tree conservation plan adjustments.**

- (a) *Applicability*.

- (1) Except as provided under subsection (a)(2) of this section, no tree or native vegetation designated for preservation in a tree conservation plan shall be removed unless a tree conservation plan adjustment has been approved pursuant to this section.

Response: Not applicable, no adjustments are being requested.

#### **Sec. 808.045. Tree variances.**

- (a) *Applicability*. Tree variances may be granted to allow deviation from the requirements of this chapter where the deviation is reasonably necessary to permit the otherwise lawful development of a property.

Response: Not applicable, no Tree variances are being requested.

#### **Sec. 808.046. Protection measures during construction.**

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

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

Response: We plan to impact roughly 13% of the proposed tree protection area, and will procure an arborists letter prior to applying for building permit.

- (B) Fences, patios, landscaping and irrigation, and accessory and similar structures that do not require a building permit, may be placed or constructed within the critical root zone of a tree.
  - (b) *Native vegetation.* All native vegetation shall be protected during construction with the installation of an above ground silt fence, or its equivalent.
    - (1) The above ground silt fence shall be located around the perimeter of the native vegetation.
    - (2) Within the area protected by the above ground silt fence, native vegetation shall not be removed and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.

Response: a silt fence is provided along the south property line.

- (c) *Duration.* Protection measures required under this section shall remain in place until issuance of notice of final completion for the dwelling unit(s) on the lot, or issuance of certificate of occupancy in all other cases.

Response: Noted.

#### **Sec. 808.050. Tree planting requirements.**

- (a) Within development proposals for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1.

Response: section not applicable.

#### **Sec. 808.055. Tree and native vegetation replacement standards within riparian corridors.**

Where replacement of trees and native vegetation within a riparian corridor is required by this chapter, the replacement shall comply with the following:

- (a) Trees and native vegetation removed shall be replaced at an area replacement ratio of one-to-one. If there is inadequate space for replanting at or near the location where the tree or native vegetation was removed, replanting may occur elsewhere within the riparian corridor on the property.
- (b) Replacement trees shall have a minimum 1.5-inch caliper and shall be of species authorized in the Tree and Vegetation Technical Manual.
- (c) Replacement vegetation shall be of sizes and species authorized in the Tree and Vegetation Technical Manual.

Response: Noted, no trees are proposed to be affected within the riparian corridor