

**Written Statement**

The property situated at 2385 Commercial St SE, Salem OR 97302, Tax lot Number: 073W34CA03900, falls within the MU-III, Mixed Use III zone, permitting coffee shops outright and car washes as a conditional use. Our proposal entails one drive through coffee shop, and one car wash building that is an addition to the existing car wash.

**CHAPTER 535. MU-III—MIXED USE-III**

**Sec. 535.001. Purpose.**

The purpose of the Mixed Use-III (MU-III) zone is to identify allowed uses and establish development standards that encourage infill development and redevelopment in mixed-use corridors and centers and promote pedestrian access. The MU-III zone generally allows a variety of retail and office uses, commercial services, and multiple family residential uses.

*Response: We believe the proposed development fits the intended use of the zone.*

**Sec. 535.010. Uses.**

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-III zone are set forth in Table 535-1.

Table 535-1: Uses		
Use	Status	Limitations and Qualifications
<b>Retail Sales and Service</b>		
Eating and drinking establishments	P	
<b>Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service</b>		
Motor vehicle services	C	All other motor vehicle services.

*Response: Proposed uses are shown above.*

- (b) *Continued uses.* Existing, legally-established uses established prior to August 24, 2022, but which would otherwise be made nonconforming by this chapter, are hereby deemed continued uses.
  - (1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 535.015(f).

*Response: The existing car wash is a continued use which would fall under the conditional use per table 535-1.*

- (2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, conversion of the building or structure to a conforming use shall thereafter prevent conversion back to the former continued use or any other continued use.
- (c) *Adaptive reuse of existing industrial buildings and structures.* In order to allow for greater flexibility in the use of existing industrial buildings and structures within the area shown in Figure 535-1, the adaptive reuse of industrial buildings and structures existing on August 24, 2022, is allowed as set forth in this subsection.

*Response: Not applicable, no adaptive reuse of existing buildings is proposed.*

**Sec. 535.015. Development standards.**

Development within the MU-III zone must comply with the development standards set forth in this section.

- (a) *Lot standards.* Lots within the MU-III zone shall conform to the standards set forth in Table 535-2.

Table 535-2: Lot Standards		
Requirement	Standard	Limitations and Qualifications
<b>Lot Area</b>		
All uses	None	

Lot Width		
All uses	None	
Lot Depth		
All uses	None	
Street Frontage		
All other uses	Min. 16 ft.	

Response: Proposed coffee shop fronts on Commercial Street, with a length of roughly 30 feet, greater than minimum of 16 ft.

- (b) *Dwelling unit density.* Development within the MU-III zone that is exclusively residential or single-room occupancy shall have a minimum density of 15 dwelling units per acre.
- (c) *Setbacks.* Setbacks within the MU-III zone shall be provided as set forth in Tables 535-3 and 535-4.

Table 535-3: Setbacks

Requirement	Standard	Limitations and Qualifications
<b>Abutting Street</b>		
<b>Buildings</b>		
All other uses	Min. 5 ft. Max. 30 ft.	The maximum setback of up to 30 feet is applicable to all new buildings and is permitted, provided the setback area is used for a combination of landscaping and pedestrian amenities and meets the following standards: <ul style="list-style-type: none"> <li>■ Up to the first 10 ft of the setback area can be used exclusively for pedestrian amenities, and</li> <li>■ At least 50 percent of the remaining setback area must be landscaped.                             <ul style="list-style-type: none"> <li>a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing façade of the new building and the street.</li> <li>b) For double frontage lots, the setback abutting a street shall only apply to the street with the highest street classification or, where both streets have the same classification, the street designation by the applicant. No minimum or maximum setback is required abutting the other street.</li> </ul> </li> </ul>

Response: The proposed car wash sits outside the 30ft max setback; however the proposed coffee shop sits between the car wash and the street within the setback, therefore satisfying the qualifications above.

<b>Vehicle Use Areas</b>		
All uses	Per SRC chapter 806	
<b>Interior Front</b>		
<b>Buildings</b>		
All other uses	Zone-to-zone setback (Table 535-4)	
<b>Accessory Structures</b>		
Accessory to all other uses	Zone-to-zone setback (Table 535-4)	
<b>Vehicle Use Areas</b>		
All other uses	Zone-to-zone setback (Table 535-4)	
<b>Interior Side</b>		
<b>Buildings</b>		
All other uses	Zone-to-zone setback (Table 535-4)	
<b>Accessory Structures</b>		
Accessory to all other uses	Zone-to-zone setback (Table 535-4)	
<b>Vehicle Use Areas</b>		
All other uses	Zone-to-zone setback (Table 535-4)	
<b>Interior Rear</b>		
<b>Buildings</b>		
All other uses	Zone-to-zone setback (Table 535-4)	
<b>Accessory Structures</b>		
All other uses	Zone-to-zone setback (Table 535-4)	

Table 535-4: Zone-to-Zone Setbacks

Abutting Zone	Type of Improvement	Setback	Landscaping and Screening
Mixed-Use Zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. <sup>(1)</sup>	Type A

Response: Existing structures near the property lines conform to this requirement. Some of the vehicle use areas are within 5ft of the property line and are deemed existing non-conforming continuous use cases.

(d) *Lot coverage; height.* Buildings and accessory structures within the MU-III zone shall conform to the lot coverage and height standards set forth in Table 535-5.

Table 535-5: Lot Coverage; Height		
Requirement	Standard	Limitations and Qualifications
<b>LOT COVERAGE</b>		
<b>Buildings and Accessory Structures</b>		
All uses	No Max.	
<b>Rear Yard Coverage</b>		
<b>Buildings</b>		
All uses	N/A	
<b>Accessory Structures</b>		
Accessory to all uses	No Max.	
<b>Height</b>		
<b>Buildings</b>		
All uses	Max. 70 ft.	
<b>Accessory Structures</b>		
Accessory to all other uses	Max. 70 ft.	

Response: The proposed building heights are under the maximum height of 70ft.

(e) *Landscaping.*

(1) *Setbacks.* Setbacks, except setback areas abutting a street that provide pedestrian amenities, shall be landscaped to conform to the following standards:

(A) The required setback abutting a street for development that is exclusively residential shall meet the standard of a minimum of one plant unit per 16 square feet of landscaped area. Landscaping shall conform to the standards set forth in SRC chapter 807.

(B) For all other uses, landscaping shall conform to the standards set forth in SRC chapter 807.

Response: Noted.

(2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.

Response: Noted.

(3) *Development site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

Response: Landscaping makes up roughly 17% of the site, above the minimum 15%.

- (4) *Gasoline stations.* In addition to the landscaping requirements set forth in this section, gasoline stations shall be required to provide a minimum of one plant unit per 16 square feet of landscaped area. The landscaped area shall conform to the standards set forth in SRC chapter 807.

Response: Section not applicable.

- (f) *Development standards for continued uses.*
- (1) *Buildings.* Buildings housing a continued use and existing accessory structures may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards in this chapter and to all other applicable provisions of the UDC; or
  - (2) *Option to rebuild in same location.* Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure and may be enlarged, provided the enlargement does not increase the building or structure's nonconformity to development standards set forth in this chapter and all other applicable provisions of the UDC.

Response: No development is planned for the existing buildings, however the proposed car wash structure would be considered a continued use for the property.

- (g) *Pedestrian-oriented design.* Development within the MU-III zone, excluding development requiring historic design review and multiple family development, shall conform to the pedestrian-oriented design standards set forth in this section. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.
- (1) *Off-street parking location.* New off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. New off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

Response: The existing vehicle use areas are going to be behind the proposed coffee shop and alongside the proposed car wash. No new areas are proposed.

- (2) *Drive through location.* New drive throughs shall be located behind or beside buildings and structures.

Response: The proposed coffee shop includes a drive through that will be located behind the building.

- (3) *Outdoor storage.* Outdoor storage of merchandise located within 50 feet of the right-of-way shall be screened with landscaping or a site-obscuring fence or wall.

Response: No outside storage proposed.

- (4) *Building entrances:* For buildings within the maximum setback abutting a street, a primary building entrance for each building facade facing a street shall be facing the street. If a building has frontage on more than one street, a single primary building entrance on the ground floor may be provided at the corner of the building where the streets intersect.

Response: The proposed coffee shop is within the max setback, with a pedestrian service window facing the main abutting street (commercial). As the structure is not accessible to the general public, the actual entrance is on the side, facing Judson St. We deem this to meet the spirit of this standard.

- (5) *Ground-floor windows.* For buildings within the maximum setback abutting a street, ground floor building facades facing that street shall include transparent windows on a minimum of 50 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

Response: The proposed coffee shop is within the max setback. In order to provide a min of 50% of the street facing façade with transparent windows, the design includes a storefront system to screen a sitting area that is covered by the coffee shops roof structure.

### **Sec. 535.020. Design review.**

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

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- (a) Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.
  - (b) Residential care with five or more self-contained dwelling units shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.

**Response: Section not applicable.**

**Sec. 535.025. Other provisions.**

In addition to the standards set forth in this chapter, development within the MU-III zone must comply with all other applicable development standards of the UDC, including, but not limited to, the following chapters:

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

**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. 800.015. 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).
  - (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: The property line facing Commercial St is considered the front lot line for this proposed development.**

- (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.
- (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: Section not applicable.**

**Sec. 800.030. Hillside lots.**

**Response: Section not applicable.**

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

**Response: Section 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;		

	<b>Interior Front</b>		
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 closer than 2 ft. to the side property line.	24 in.

Response: The only projection proposed is an awning over the ordering window of the coffee shop, which projects less than 24 inches into the setback.

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

Response: Section not applicable.

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

Response: Section not applicable.

**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: Commercial St is categorized as a Major Arterial, and therefore has a ROW width of 96ft. The special setback line is roughly 5.5ft inside of the existing property line.

(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.

Response: With the street frontage setback of 5ft, our setback line facing commercial street is roughly 10.5ft from the property line. The coffee shop sits roughly 10.5ft from the property line, along this front setback.

(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.

Response: There are existing signs in this special setback that will continue to exist after this development.



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- (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: Removal agreements will be filed for any structures proposed in the special setback such as signs.**

**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.

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- (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: Maximum new building height is 21'-7", with no roof top equipment. Existing building is max 29'-7" tall.**  
**Sec. 800.050. Fences, walls, hedges, gates, and retaining walls.**

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

- (a) *Location, height, and density.* Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.
  - (1) *Fences and walls.*
    - (A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:
      - (i) *Front yard abutting street.* Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.
      - (ii) *Side and rear yards abutting street.* Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.
    - (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.

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Response: Existing wall on East property line is under 8ft tall, and is opaque to it's full height. This is an existing condition with no proposed changes. We believe this provides the best barrier between the subject property, and the RS zoned properties across the street to the East.

- (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.

Response: Not applicable, no hedges proposed.

- (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: Not applicable, no gates proposed

- (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: Not applicable, no retaining walls proposed.

- (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.

Response: Noted.

(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.
- (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.

Response: Noted. Existing wall to remain is constructed of CMU block.

- (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

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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

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of the electrical disconnect shall be approved by the Salem Fire Code Official.

**Response: No proposed hazardous fencing materials are 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.

**Response: Noted.**

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

**Response: No proposed changes to existing trash management on site, no trash enclosure is existing or proposed.**

### **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: Noted, no site lighting is proposed that is not shielded.**

### **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.

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Response: The proposed coffee shop has a direct pedestrian connection to Commercial Street. The proposed car wash does not require a pedestrian connection, as it is a service 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 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: Same as above, the proposed car wash is not primarily intended for human occupancy, and therefore does not need a connection to the other buildings on site. However, there will be a connection between the new car wash structure and the existing car wash building.

- (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.

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- (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.

Response: Section not applicable.

- (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: Section 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

Response: Section 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: Section 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

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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.

**Response: Pedestrian areas are separated from vehicle areas by both planters, and the use of a combination of elevation changes and bollards.**

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

**Response: Pedestrian use areas are adjacent to the coffee shop and therefore are well lit.**

- (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.

**Response: Section not applicable.**

- (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: Section not applicable.**



## **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.**

*Response: Section not applicable, no off street parking is proposed.*

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

*Response: Section not applicable, no off street parking is proposed.*

### **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.**

*Response: Section not applicable, no addition of paved areas or alteration including re-paving are proposed.*

### **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: Vehicle use area has two driveway access points, each bi-directional.*

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

*Response: Driveways are existing and connect to the adjacent streets.*

- (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.
    - (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: Driveways provide direct access to the streets, so no setbacks are 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

(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.

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

(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:** Driveway on Commercial St is 27ft wide, driveway on Judson is 22ft wide. Both are existing to remain.

**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.

(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.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB, WSCB, MU-I, MU-II, MU-III, MU-R, and ESMU zones where at least 75 percent of the width of the lot at the front setback line is occupied by existing buildings shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.

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

**Response:** Existing development is nonconforming, so new bike parking will be provided per this section.

**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:** Noted, proposed bike parking is located adjacent to each building

**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>Retail Sales and Service</b>			
Eating and drinking establishments	The greater of 4 spaces or 1 space per 1,000 sq. ft.	25%	
<b>Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service</b>			
Motor vehicle services	1 per 9,000 sq. ft.	0%	
<sup>(1)</sup> Unless otherwise provided, when required bicycle parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.			
<sup>(2)</sup> 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.			
<sup>(3)</sup> 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.			

**Response: A total of 5 spaces will be provided per table 806-9. Four near the coffee shop and two between the car washes.**

(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 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: All proposed bicycle parking is provided within close proximity of the new and existing buildings.**

(2) *Long-term bicycle parking.*

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

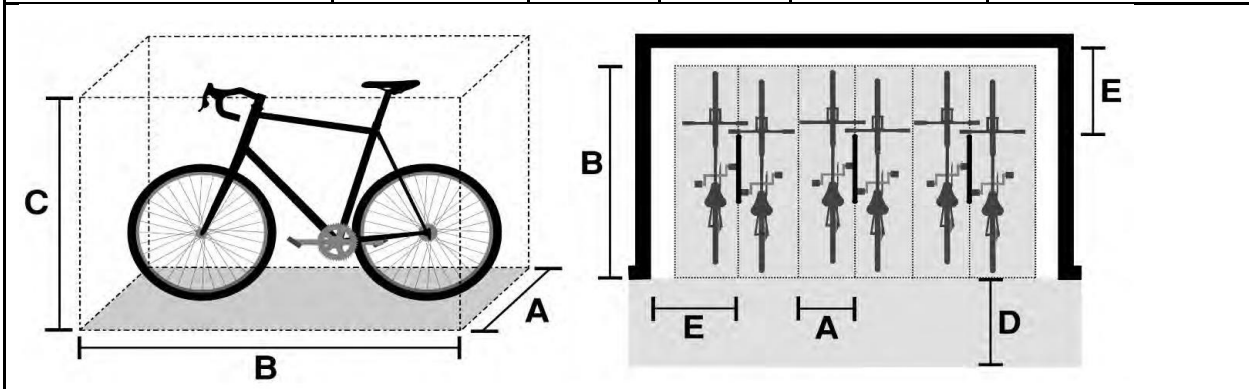
- (i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or
  - (ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.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

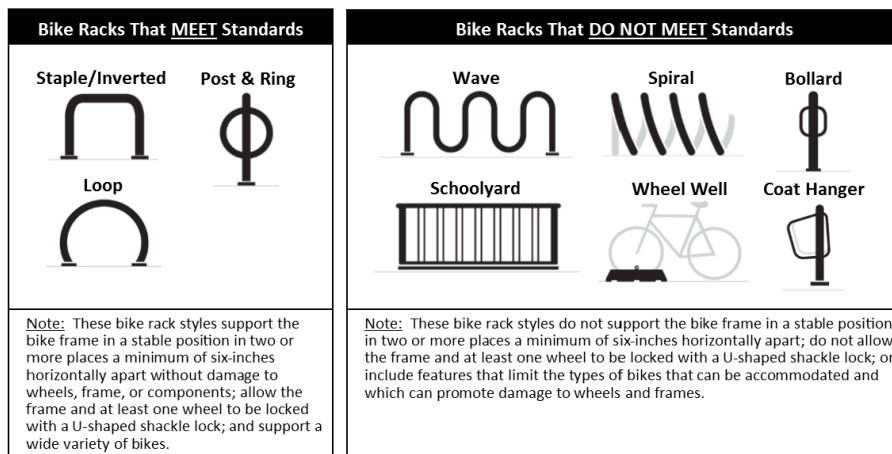
Response: Proposed bike parking spaces meet these standards.

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

Response: Proposed bike parking spaces are on concrete or asphalt.

- (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.* Where bicycle parking is provided in lockers, the lockers shall meet the following standards:
  - (1) Lockers shall conform to the minimum dimensions set forth in Table 806-10.
  - (2) Lockers shall be served by an access aisle conforming to the minimum width set forth in Table 806-10 in front of each locker opening.
  - (3) Lockers shall be securely anchored.

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



Response: Proposed bike parking spaces are design to utilize staple style racks.

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

- (a) *General applicability.* Off-street loading shall be provided and maintained as required under this chapter for:
  - (1) Each proposed new use or activity.
  - (2) Any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity.
  - (3) Any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to nonconforming off-street loading area.* When off-street loading is required to be added to an existing off-street loading area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

**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> ■ Retail sales and service	None	Less than 5,000 sq. ft.	N/A	N/A	N/A	
<b>Use:</b> ■ Motor vehicle services	None	Less than 5,000 sq. ft.	N/A	N/A	N/A	
<sup>(1)</sup> Unless otherwise provided, when required loading is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.						

**Response:** No loading spaces are required or proposed per table 806-11

- (a) *Off-street parking used for loading.* An off-street parking area meeting the requirements of this chapter may be used in place of a required off-street loading space when the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building or the use or activity that it serves.

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

**Response:** Section not applicable, no off street loading required.

**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. (Prior Code, § 807.001; Ord. No. 31-13)

**Sec. 807.015. Landscaping and screening.**

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

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

TABLE 807-1. LANDSCAPING TYPES		
Landscaping Type	Required Plant Units (PU)	Required Screening
A	Min. 1 PU per 20 sq. ft. of landscaped area	None
B	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence, wall, or hedge
C	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence or wall
D	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall sight-obscuring landscaping or wall
E	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall wall

Response: All proposed landscaping is type A.

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

TABLE 807-2. PLANT MATERIALS AND MINIMUM PLANT UNIT VALUES		
Plant Material	Plant Unit (PU) Value	Size at Planting
1 mature tree	15 PU	
1 shade tree	10 PU	1.5 in. to 2 in. caliper
1 evergreen/conifer tree	5 PU	6 ft. to 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.	

Response: Noted. Existing and proposed trees make up over 40% of the required PU.

- (c) *Preservation of existing trees and vegetation.* The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.
- (d) *Tree replanting requirements.* In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. 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: Section not applicable, no trees are proposed to be removed from the site.

- (e) *Screening standards.* Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:
  - (1) *Height.* Fences and walls shall be a minimum of 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: Existing CMU wall on East side of property meets all the above standards.

- (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: Section not applicable.

- (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: Street trees are provided along Commercial St and Judson St.



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## 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.
- (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: Noted. A landscape plan is included with the site plan review documents, and an irrigation plan will be included with the permit application documents.**

- (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.
- (2) *Procedure type.* A landscaping permit is processed as a Type I procedure under SRC chapter 300.
- (3) *Submittal requirements.* In lieu of submittal requirements for a Type I application under SRC chapter 300, an application for a landscaping permit shall include the following:
  - (A) A completed application form containing the following information:
    - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
    - (ii) The address or location of the subject property and its assessor's map and tax lot number;
    - (iii) The size of the subject property;
    - (iv) The comprehensive plan designation and zoning of the subject property;
    - (v) The type of application;
    - (vi) A brief description of the proposal; and
    - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application; and

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- (B) A landscaping plan in conformance with subsection (a) of this section.
- (4) *Criteria.* A landscaping permit shall be approved if the application meets all the applicable landscaping and irrigation standards set forth in this chapter.

**Response: Section not applicable, as this project requires a building permit.**

**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
  - (3) New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.
- (b) Wherever feasible, sprinkler heads irrigating lawns or other high-water-demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery, or other reduced-water-requirement areas.

**Response: Noted, the irrigation design will be a part of the building permit application.**

**Sec. 807.045. Maintenance.**

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

**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.

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- (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 relief is expected to be requested at this time.

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

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

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

### **Sec. 808.010. 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: No heritage trees are present on the site to our knowledge.**

### **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 trees are proposed to be removed as part of the 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: No riparian corridor is present on the property.**

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

No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than single family residential, two family residential, three family residential, four family residential, or a cottage cluster.

**Response: Section not applicable, lot is less than 20,000 square feet.**

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

**Response: Section not applicable, no tree remove permit is required as no trees are proposed for removal.**

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

**Response: Section not applicable.**

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

**Response: Section not applicable.**

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

**Response: Section not applicable.**

### **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:

- (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.
    - (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.
- (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: All existing trees will be protected per this standard. Existing trees are outside the proposed work area.

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

Response: Section not applicable.

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

Response: Section not applicable

**Sec. 808.060. Tree canopy preservation fund.**

Response: Section not applicable

**Sec. 808.065. Enforcement.**

In any action brought under SRC 110.110 to enforce this chapter, the following shall apply:

- (a) *Stop work order.* If the applicant's site plan contains a grid or phases that designate areas in which work is to be performed, only that grid area or phase in which any violation occurred shall be affected by any stop work order.
- (b) *Permit revocation.* In addition to the grounds set forth under SRC 110.110, a permit may be revoked if the work is a hazard to property or public safety; is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, waterway, riparian corridors, significant wetlands or storm water facility; or is otherwise adversely affecting the public health, safety, or welfare.
- (c) *Replanting and restoration.*
  - (1) Persons violating this chapter, or any permit issued hereunder, shall be responsible for providing mitigation for trees and/or native vegetation removed and restoring damaged areas through implementation of a replanting and restoration plan approved by the Planning Administrator. The plan shall require replanting for the trees and/or native vegetation removed and provide for the repair of any environmental or property damage in order to restore the site to a condition which, to the greatest extent practicable, would have existed had the violation not occurred, as verified by a qualified professional.
  - (2) The planting and restoration costs included in the plan shall be equal to the monetary value of the regulated trees and/or native vegetation removed in violation of this chapter, or permit

issued hereunder, as set forth in an appraisal acceptable to the Planning Administrator based upon the latest edition of "Guide for Plant Appraisals" (International Society of Arboriculture, Council of Tree and Landscape Appraisers).

- (3) Notwithstanding SRC 808.065(c)(2), when it is not possible to replant enough trees and/or native vegetation in the area to equal the appraised value of the trees and/or native vegetation unlawfully removed, the net remaining balance required to equal the appraised value of the trees and/or native vegetation unlawfully removed shall be assessed as a fee which shall be paid into the Salem City Tree Fund established under SRC chapter 86.
- (d) *Prohibition of further approvals.* The City shall not issue a notice of final completion for property on which a violation of this chapter has occurred or is occurring, until the violation has been cured by restoration or other means acceptable to the Planning Administrator and any penalty imposed for the violation is paid.
- (e) *Injunctive relief.* The City may seek injunctive relief against any person who has willfully engaged in a violation of SRC 808.035 or SRC 808.040, such relief to be in effect for a period not to exceed five years.

Response: Noted.