

Everhome Suites Class 3 Site Plan Review

Date: June 2024

Submitted to: City of Salem
Community Planning and Development
555 Liberty Street SE, Room 320
Salem, OR 97301

Applicant: Highside Development, LLC
7800 E Union Avenue, Suite 910
Denver, CO 80237

AKS Job Number: 10900



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Exhibit B: Architectural Plans

Exhibit C: Trip Generation Estimate

Exhibit D: Photometric Plan

Exhibit E - Preliminary Title Report

Exhibit F - Wetland Delineation

Exhibit G - Neighborhood Association Contact Letter

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Submitted to:	City of Salem Community Planning and Development 555 Liberty Street SE, Room 320 Salem, OR 97301
Applicant:	Highside Development, LLC 7800 E Union Avenue, Suite 910 Denver, CO 80237
Property Owners:	PEN-DITCH LLC 25% & MCLEOD BROTHERS & SISTERS 2 LLC 50% & C/O SCOTT MCLEOD
Applicant's Consultant:	AKS Engineering & Forestry, LLC 3700 River Road N, Suite 1 Keizer, OR 97303 Contact(s): Zach Pelz, AICP - Principal Email: pelzz@aks-eng.com Phone: (503) 400-6028
Site Location:	At the southwest corner of State Street and Kettle Court SE
Marion County Assessor's Map:	07 3W 25D; Tax Lot 1700
Site Size:	±5.11 acres
Land Use Districts:	IP (Industrial Park)

I. Executive Summary

AKS Engineering and Forestry, LLC (AKS) is pleased to submit this Class 3 Site Plan Review application for a new 115-room hotel and associated improvements on behalf of Highside Development, LLC (Applicant). The project features a 102-space parking area alongside outdoor amenity spaces and improvements along Kettle Court SE, designed to promote pedestrian travel and connectivity within the surrounding area. This application emphasizes the preservation of 26 mature trees and includes over 600 individual trees and shrubs that will be planted within the parking area. These elements not only enhance the site's visual appeal but also contribute to increased tree canopy coverage over the parking area, promoting energy conservation and environmental sustainability.

This application includes the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The subject site (Tax Lot 1700 of Marion County Assessor's Map 07 3W 25D) is ±5.11 acres and is located within the City of Salem's Industrial Park (IP) zoning district. The property is located at the intersection of State Street and Kettle Court SE and is bordered on two sides by other IP-zoned properties similar in size and nature. Further west, across Mill Creek, are properties within the Public Service (PS) zoning district. A portion of the subject site is located within the City of Salem's Floodplain Overlay Zone and the site is identified as being within the City's Historic & Cultural Resources Protection Zone.

III. Applicable Review Criteria

CITY OF SALEM DEVELOPMENT CODE

CHAPTER 220 – SITE PLAN REVIEW

Section 220.005 Site Plan Review

(a) Applicability.

- (1)** Except as provided in subsection (a)(2) of this section, site plan review approval is required:
 - (A)** Prior to issuance of a building permit, for any development that requires a building permit;
 - (B)** Prior to a change of use, when a building permit is not otherwise required; and
 - (C)** Prior to commencement of work, for any of the following when a building permit is not otherwise required:
 - (i)** Development of a new off-street parking or vehicle use areas;
 - (ii)** Expansion of an existing off-street parking or vehicle use areas, when additional paved surface is added;
 - (iii)** Alteration of an existing off-street parking or vehicle use areas, when the existing paved surface is replaced with a new paved surface;
 - (iv)** Paving of an unpaved area; and
 - (v)** Restriping of an off-street parking or vehicular use areas, when the layout will be reconfigured.

Response: A building permit is required for the planned project and is subject to site plan review in accordance with this section.

(b) *Classes.* The three classes of site plan review are:

(...)

(3) *Class 3 site plan review.* Class 3 site plan review is site plan review for any development under subsection (a)(1) of this section that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:

- (A) Requires a Transportation Impact Analysis pursuant to SRC chapter 803;
- (B) Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;
- (C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;
- (D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;
- (E) Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or
- (F) Involves the imposition of conditions of approval; or
- (G) Requires a variance, adjustment, or conditional use permit.

Response: The planned project, subject to subsection (a)(1) above, includes a land use decision requiring an adjustment under subsection (b)(3)(G). Class 3 site plan review applies.

(c) *Procedure type.*

- (1) Class 1 site plan review is processed as a Type I procedure under SRC chapter 300.
- (2) Class 2 site plan review is processed as a Type I procedure under SRC chapter 300.
- (3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.
- (4) An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.

Response: This application for a Class 3 Site Plan Review is being processed per the City's Type II procedure. The applicable requirements and procedures listed in SRC Chapter 300 are addressed in this narrative.

(d) *Submittal requirements for Class 1 site plan review.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 site plan review shall include a completed application form that shall contain the following information:

- (1) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
- (2) The address or location of the subject property and its assessor's map and tax lot number;
- (3) The size of the subject property;
- (4) The comprehensive plan designation and zoning of the subject property;

-
- (5) The type of application(s);
 - (6) A brief description of the proposal; and
 - (7) 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(s).

Response: This written narrative and included exhibits satisfy the submittal requirements for a Class 1 site plan review. Required signatures will be provided on the application form generated through the PAC Portal submittal. As applicable, these requirements are met.

- (e) Submittal requirements for Class 2 and Class 3 site plan review.

(...)

- (2) *Class 3 site plan review.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:

- (A) All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;
- (B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;
- (C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;
- (D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;
- (E) The location of drainage patterns and drainage courses, if applicable;
- (F) A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services;
- (G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;
- (H) A geological assessment or geotechnical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and

Response: This written narrative and included exhibits satisfy the submittal requirements for a Class 3 site plan review.

- (I) A Transportation Impact Analysis, if required by SRC chapter 803.

Response: Based on the Trip Generation Estimate included as Exhibit C, the planned project will generate an average of 919 daily trips based on a trip generation rate of 7.99 trips per room (7.99 x 115 rooms). A Transportation Impact Analysis (TIA) will not be required as daily vehicle trips will not exceed 1,000 per SRC 803.015.

- (f) Criteria.

(...)

- (3) *Class 3 site plan review.* An application for Class 3 site plan review shall be granted if:

(A) The application meets all applicable standards of the UDC;

Response: The applicable standards of the UDC are addressed throughout this narrative. This criterion is met.

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

Response: Based on the Trip Generation Estimate completed by City staff and feedback at the pre-application meeting, no negative impacts to the transportation system are anticipated. The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development as detailed in responses to SRV 205.010(d). As applicable, this standard is met.

(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

Response: The planned parking area has been designed to safely facilitate vehicle, bicycle, and pedestrian movement throughout the site. Clearly marked pedestrian walkways connect the main building entrance to sidewalks along Kettle Court SE and State Street. As applicable, this standard is met.

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

Response: Utilities are provided in accordance with this section and included on the Preliminary Composite Utility Plan within Exhibit A. This standard can be met.

CHAPTER 230 – HISTORIC PRESERVATION

Section 230.105 Preservation of archeological resources

- (a) Archeological resources shall be protected and preserved in place subject to the requirements of federal, state, and local regulations, including the guidelines administered by the Oregon State Historic Preservation Office and ORS 358.905—358.961.
- (b) A person may not excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on public or private lands unless that activity is authorized by a permit issued under ORS 390.235. A violation of this subsection is a misdemeanor.

Response: Willamette Cultural Resources Associates, LTD (WCRA) conducted a preliminary archaeological investigation of the site through shovel probe excavations. This preliminary survey did not uncover any archaeological resources or artifacts. A report outlining these findings will be included once finalized by WCRA. The general recommendation is that no further archaeological investigations are needed, and the project may proceed as planned. The Applicant is prepared to proceed with an inadvertent discovery plan, which will be in place for the duration of the project and contractors are familiar with the plan. These standards are met.

CHAPTER 250 – ADJUSTMENTS

Section 250.005 Adjustments

- (a) Applicability.
 - (1) Classes.

-
- (A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.
 - (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

Response: The Applicant is requesting an adjustment to increase the allowable height from 45 feet (standard maximum in IP zone) to 50 feet (± 11 percent) to accommodate an architectural parapet shown on the Architectural Plans in Exhibit B. This adjustment does not exceed 20 percent and can be processed as a Class 1 adjustment. Class 1 adjustment standards are addressed below.

- (2) *Prohibition.* Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:
 - (A) Allow a use or activity not allowed under the UDC;
 - (B) Change the status of a use or activity under the UDC;
 - (C) Modify a definition or use classification;
 - (D) Modify a use standard;
 - (E) Modify the applicability of any requirement under the UDC;
 - (F) Modify a development standard specifically identified as non-adjustable;
 - (G) Modify a development standard that contains the word "prohibited";
 - (H) Modify a procedural requirement under the UDC;
 - (I) Modify a condition of approval placed on property through a previous planning action;
 - (J) A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or
 - (K) The required landscaping in the Industrial Business Campus (IBC) Zone.

Response: The requested Class 1 Adjustment included within this application does not request an adjustment for any of the prohibited items listed above..

- (b) Procedure type. Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.
- (c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment 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 all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;

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- (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and
 - (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
- (2) An existing conditions 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) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - (C) The location of the 100-year floodplain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.

Response: The Applicant acknowledges these procedural requirements, and the required submittal materials are included as exhibits to this narrative. These standards are met.

(d) Criteria.

- (1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:
- (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Clearly satisfied by the proposed development.
 - (B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Response: The planned adjustment includes increasing the height of the building by ± 11 percent to accommodate an architectural parapet. The subject property does not abut any residential zones or have any significant viewsheds that would be impacted by the planned height increase. Further, the planned height increase does not impact any provisions set forth in the Airport Safety Overlay Zone, which is described further below. These standards are met. Further Federal Aviation Administration (FAA) permits and coordination are ongoing and final approval will be obtained.

CHAPTER 300 – PROCEDURES FOR LAND USE APPLICATIONS AND LEGISLATIVE LAND USE PROPOSALS

Section 300.310 Neighborhood association contact

-
- (a) *Purpose.* The purpose of neighborhood association contact is to provide an opportunity for neighborhood associations to learn of upcoming land use applications involving land within or adjacent to their boundaries in advance of applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.
- (b) *Applicability.*
- (1) Neighborhood association contact, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring neighborhood association contact.
 - (2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for neighborhood association contact and the other applications do not require neighborhood association contact, the entire consolidated application shall require neighborhood association contact.
 - (3) Nothing in this section shall be construed to preclude additional contact between an applicant and neighborhood association beyond the requirements of this section, or an applicant from contacting a neighborhood association where no neighborhood association contact is required.

Response: Table 300-2 requires Neighborhood Association contact for all Class 3 Site Plan Review Applications. The standards of this section apply.

- (c) *Process.* Prior to submitting a land use application requiring neighborhood association contact, the applicant shall contact the City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The e-mail or mailed letter shall:
- (1) Be sent to the chair(s) and land use chair(s) of the applicable neighborhood association(s) prior to submitting the land use application; and
 - (2) Contain the following information:
 - (A) The name, telephone number, and e-mail address of the applicant;
 - (B) The address of the subject property;
 - (C) A summary of the proposal;
 - (D) A conceptual site plan, if applicable, that includes the proposed development; and
 - (E) The date on which the e-mail or letter is being sent;

Response: A letter addressed to the Southeast Salem Neighborhood Association, containing the above information, was sent to the Chair and Land Use Chair on June 27, 2024. These standards have been met.

- (d) *Effect on subsequent land use application submittal.* A land use application requiring neighborhood association contact shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a copy of the e-mail or letter that was sent to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent.

Response: Notice of the project was sent to the Southeast Salem Neighborhood Association on June 27, 2024. A summary letter and copy of the email is provided as Exhibit G. This standard is met.

CHAPTER 553 IP – INDUSTRIAL PARK

Section 553.005 Uses

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the IP zone are set forth in Table 553-1.

TABLE 553-1. USES		
Use	Status	Limitations and Qualifications
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	N	
Nonprofit shelters	N	

Response: The planned project includes short-term commercial lodging as permitted in the IP (Industrial Park) zoning district.

Section 553.010 Development Standards

Development within the IP zone must comply with the development standards set forth in this section.

- (a) Lot standards. Lots within the IP zone shall conform to the standards set forth in Table 553-2.

TABLE 553-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
All uses	None	
Lot Width		
All uses	None	
Lot Depth		
All uses	None	
Street Frontage		
Single family	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting on the turnaround of cul-de-sac street or the outside curve of a curved street having a radius of 200 ft. or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
All other uses	Min. 16 ft.	

Response: The subject site has more than 16 feet of road frontage along Kettle Court SE and State Street. As applicable, the above standards are met.

- (b) Setbacks. Setbacks within the IP zone shall be provided as set forth in Tables 553-3 and 553-4.

TABLE 553-3. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All uses	Min. 20 ft.	
Accessory Structures		
Accessory to all uses	Min. 20 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Min. 20 ft.	
Interior Front		
Buildings		
All uses	Zone-to-zone setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Accessory Structures		
Accessory to all uses	Zone-to-zone setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Interior Side		
Buildings		
All uses	Zone-to-zone setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Accessory Structures		
Accessory to all uses	Zone-to-zone setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Interior Rear		
Buildings		
All uses	Zone-to-zone setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Accessory Structures		
Accessory to all uses	Zone-to-zone setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.

Response: As shown on the Preliminary Plans in Exhibit A, applicable setbacks in accordance with the table above are met.

TABLE 553-4. ZONE-TO-ZONE SETBACKS			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
Public Zone	Buildings and accessory structures	Min. 10 ft.	Type A
	Vehicle use areas		
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and accessory structures	Min. 10 ft.	Type A
	Vehicle use areas		
Limitations and Qualifications			
⁽¹⁾ Zone-to-zone setbacks are not required abutting an alley.			

Response: Internal setbacks, landscaping, and screening are determined by the abutting zoning district. The subject site abuts I-P zoned property to the south and Public Zone (PZ) property to the west. The north and east setbacks abut State Street and Kettle Court SE and are met. Kettle Court SE is a private street. Therefore, the associated setback was taken from the back of the 12-foot landscape strip and sidewalk proposed for Kettle Court SE. As shown on the Preliminary Plans in Exhibit A, the planned building meets the minimum 20-foot setbacks in accordance with Table 553-4. These standards are met.

- (c) Lot coverage; height. Buildings and accessory structures within the IP zone shall conform to the lot coverage and height standards set forth in Table 553-5.

TABLE 553-5. LOT COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
All uses	No Max.	
Height		
Buildings		
All uses	Max. 45 ft.	
Accessory Structures		
Accessory to all uses	Max. 45 ft.	

Response: The planned hotel will be approximately 50 feet in height to accommodate an architectural parapet that will add variation to the building's massing and screen rooftop mechanical equipment. Table 553-5 above requires buildings to be 45 feet in height or less. To comply with this requirement, a Class I Adjustment is being requested as part of this application and is addressed above.

- (d) Landscaping.
- (1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.

Response: The Preliminary Landscape Plan in Exhibit A shows that the required 20-foot setbacks along the site's State Street and Kettle Court SE frontages are landscaped. Additionally, the zone-to-zone setbacks set forth in Table 553-4 above are also landscaped. These standards are met.

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

Response: Vehicle use area landscaping is shown in Exhibit A and discussed further below.

-
- (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: The project site is approximately ±127,859 square feet in area and contains ±40,706 square feet of landscaping through a combination of introduced landscaping and natural vegetation (31.8 percent). Accounting for both new and existing vegetation that is planned to remain, approximately 60 percent of the site area is landscaped. This standard is met.

- (e) *Outdoor storage.* Within the IP zone, outdoor storage shall conform to the following standards:
- (1) Storage areas shall not be located within required setbacks.
 - (2) Storage areas shall be enclosed by a minimum six-foot-high sight-obscuring fence, wall, or hedge; or a berm.
 - (3) Materials and equipment stored shall not exceed a maximum height of 14 feet above grade; provided, however, materials and equipment more than six feet in height above grade shall be screened by sight-obscuring landscaping.

Response: Outdoor storage areas are not included in this application. These standards do not apply.

CHAPTER 601 – FLOODPLAIN OVERLAY ZONE

Section 601.001 Lands to which this chapter applies

This chapter shall apply to all special flood hazard areas and interim flood hazard areas within the jurisdiction of the City of Salem.

Response: The subject property is located within the City's Floodplain Overlay Zone. The standards of this chapter apply and are discussed below.

Section 601.045 Establishment of development permit

- (a) *Floodplain development permit required.* A development permit shall be obtained before construction or development begins within any area horizontally within the SFHA established in SRC 601.030(a) or within an interim flood hazard area established in SRC 601.030(c). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in SRC 601.005, including fill and other development activities.

Response: A Floodplain Development Permit is required for the planned improvements and is included with this application.

- (b) *Scope of work authorized by permit.* The issuance of a permit under the provisions of this chapter shall be held to authorize work only in accordance with the provisions of this chapter, the approved plans, and work necessarily implied therefrom. The issuance of such a permit shall not be construed to be a permit for or approval of any violation of the provisions of this chapter or any other applicable law or ordinance. The issuance of a permit based on submitted plans shall not thereafter prevent the Director from requiring the correction of errors or apparent violations contained therein, or from preventing operations being carried on thereunder when in violation of any applicable law or ordinance.

Response: These provisions are understood.

-
- (c) *Application for development permit.* Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
- (1) In riverine flood zones the proposed elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of SRC 601.040(b);
 - (2) Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
 - (3) Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in SRC 601.075(c)(3);
 - (4) Description of the extent to which any watercourse will be altered or relocated;
 - (5) Base Flood Elevation data for subdivision proposals or other development when required per pursuant to SRC 601.040(a) and SRC 601.070(b);
 - (6) Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure; and
 - (7) The amount and location of any fill or excavation activities proposed.

Response: The Preliminary Grading and Drainage Plan within Exhibit A include the applicable information listed above. These requirements are met.

- (d) *Permit fees.*
- (1) An application for a floodplain development permit shall be accompanied by the permit fees as prescribed by resolution of the Council.
 - (2) Fees set by resolution are fixed and nonrefundable, and are required to support plans review, permit issuance, and inspection services.
 - (3) Work being done under contract with the City of Salem shall be exempt from the permit fees required under this section.
 - (4) Where work for which a permit is required by this chapter is commenced or proceeds prior to obtaining the permit, the fees specified in subsection (1) of this section shall be doubled, but the payment of such double fees shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed herein.
 - (5) Floodplain development permits shall be nontransferable. Any change in applicant such as a change in ownership of the land will require reapplication for permits. If six months has lapsed since plan approval required by SRC 601.045(c), reapplication for plan check shall be made.

Response: These provisions are understood.

Section 601.070 Provisions for flood hazard reduction

- (a) *General standards.* In all SFHAs, the following standards shall be adhered to:
- (1) Alteration of watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with SRC 601.040(d) and SRC 601.040(e).

Response: No watercourses will be altered as a result of the planned improvements. This standard is not applicable.

(2) **Anchoring.**

- (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

Response: As applicable, development and structures located within the post-developed floodplain will be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads. These standards, as applicable, will be met.

(3) **Construction materials and methods.**

- (A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage
- (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

Response: As applicable, development and structures located within the post-developed floodplain will be constructed with materials and utility equipment resistant to flood damage and will use methods and practices that minimize flood damage. These standards can be met.

(4) **Water supply, sanitary sewer, and on-site waste disposal systems.**

- (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

Response: All new water supply, sanitary sewer, and on-site waste disposal systems will be constructed in accordance with Oregon Specialty Plumbing Code to meet these criteria. The criteria can be met.

- (5) **Electrical, mechanical, plumbing, and other equipment.** Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated no less than one foot above the base flood elevation and shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall, if replaced as part of a substantial improvement, meet all the requirements of this section.

Response: The building finished floor elevation is planned to be 1.25 feet above Base Flood Elevation (BFE); therefore, associated mechanical, electrical, plumbing, and other equipment for the building meets the above standard.

(6) **Tanks.**

- (A) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

-
- (B) Above-ground tanks shall be installed no less than one foot above the base flood elevation or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

Response: The planned improvements do not include underground tanks. These standards do not apply.

- (7) All new construction and substantial improvements shall be located no closer than 15 feet to the waterway centerline, or ten feet to the top of a recognizable bank, whichever is greater, except that this provision shall not apply to the Willamette River floodplain.

Response: The planned improvements are located more than 15 feet from the waterway centerline of Mill Creek and more than 10 feet from the top of the Mill Creek recognizable bank. These standards are met.

Section 601.075 Specific standards for riverine (including all non-coastal) flood zones

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in SRC 601.070(a).

- (a) *Enclosed areas and flood openings.* All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements:
- (1) Enclosed areas below the Base Flood Elevation, including crawl spaces shall:
- (A) Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- (B) Be used solely for parking, storage, or building access; and
- (C) Be certified by a registered professional engineer or architect or meet or exceed all the following minimum criteria:
- (i) A minimum of two openings;
- (ii) The total net area of non-engineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;
- (iii) The bottom of all openings shall be no higher than one foot above grade.
- (iv) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area; and
- (v) All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.
- (2) Enclosed areas below the Base Flood Elevation shall be limited only to crawl spaces or below-grade crawl spaces.

Response: No enclosed areas below BFE are included in this application. These standards do not apply.

(...)

- (c) *Riverine (non-coastal) SFHAs with base flood elevations.* In addition to the general standards listed in SRC 601.070(a) the following specific standards shall apply in SFHAs with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

Response: According to City of Salem Floodplain Data, the subject property is located within flood hazard zone AE on the Flood Insurance Rate Map. The standards of this section apply.

- (1) *Before regulatory floodway.* In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Response: The site development area does not impact the floodway. These standards are not applicable.

(...)

- (3) *Non-residential construction.*
- (A) New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall:
- (i) Have the lowest floor, including basement elevated no less than one foot above the base flood elevation; or, together with attendant utility and sanitary facilities;
 - (ii) Be completely floodproofed to one foot above the base flood elevation, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in SRC 601.075(c)(3)(A)(iv).
 - (iii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (iv) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in SRC 601.040(b).
- (B) Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in SRC 601.075(a).
- (C) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g., a building floodproofed to one (1) foot above the base flood level will be rated at the base flood level).

Response: As shown on the Existing Conditions Plan within Exhibit A, the BFE identified on the subject property is 189 feet. To comply with the provisions of this chapter, the finished first floor elevation of the planned building is raised to an elevation of 190.25 feet, more than 1 foot above the BFE. To further demonstrate compliance with this section, these standards can be met with final construction drawings.

-
- (d) *Floodways.* Located within the SFHAs established in SRC 601.030(a) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
- (A) Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or,
- (B) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.
- (C) If an encroachment proposal within the adopted regulatory floodway would result in an increase in base flood elevations, the Director may permit the encroachment without a CLOMR only if the encroachment proposal meets the following criteria:
- (i) Is for the purpose of fish enhancement;
- (ii) Does not involve the placement of any structures (as defined in SRC 601.005) within the floodway;
- (iii) Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project;
- (iv) Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project;
- (v) Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency; and
- (vi) Has evidence to support that no existing structures will be negatively impacted by the proposed activity.
- (D) For encroachments permitted without a CLOMR, as allowed under the provisions of SRC 601.075(d)(1)(C), written notice of the Director's permit decision shall be mailed to the applicant, the applicable neighborhood associations, watershed council, and land owners along the immediately affected stream corridor within 1,500 feet of the project site. The permit shall issue 15 days after the date of mailing of decision, unless appealed as provided in this section. Within 15 days of the mailing of the Director's decision, any person may file a written notice of appeal to the Council, with the fee established by resolution of the Council, specifying the manner in which the Director erred. Upon such appeal, the Council shall conduct a de novo hearing and make a final determination. No permit shall be effective pending Council's determination.
- (2) If the requirements of SRC 601.075(d)(1) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of SRC 601.070.

Response: No work in the floodway is planned. These standards are not applicable.

Section 601.090 Native Vegetation

Vegetative ground cover and trees from the low water mark to the top of the bank shall be preserved, conserved, and maintained according to the following provisions:

- (a) All non-native vegetation that would significantly affect the flood carrying and containment capacity of the floodway shall be removed.
- (b) Any vegetation planted or permitted to grow within the floodway shall be compatible with the flood protection standards set forth in this chapter.
- (c) Vegetation shall be planted or permitted to grow as necessary to stabilize the floodway slope and minimize erosion.
- (d) Riparian vegetation removed during development shall be replaced with native vegetation which shall be compatible with and enhance the riparian environment.
- (e) Plans for removal and replacement of riparian vegetation shall be submitted and approved by the Director prior to any clearing, excavation, grading, or construction.

Response: As shown in the Preliminary Plans (Exhibit A), no native vegetation from the low water mark to the top of the bank will be disturbed. As applicable, these standards are met.

CHAPTER 602 – AIRPORT OVERLAY ZONE

Section 602.015 Uses

Any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the Airport Overlay Zone.

Response: As permitted in the IP zoning district, the planned project is permitted in the Airport Overlay Zone.

Section 602.020 Development Standards

Development within the Airport Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone or any other overlay zone, the more restrictive development standards shall be the applicable development standard.

- (a) *Height.* Except as otherwise provided in this chapter, no building, structure, or object shall be erected or increased in height, and no vegetation shall be allowed to grow, to a height in excess of the height limitations set forth in this subsection. If all or part of a lot is located in more than one Airport Overlay Zone area, the applicable height limitation shall be the most restrictive height limitation.
(...)
- (5) *Horizontal surface.* In the horizontal surface, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation.

Response: The subject property is located within the Horizontal Surface of the City's Airport Overlay Zone. The airport elevation for McNary Field Airport is 213.4 feet and the horizontal surface exists 150 feet above the airport elevation, which cannot be penetrated by any structure ($213.4 + 150 = 363.4$ feet). The planned 50-foot-tall building is set at approximately 190.10 feet above mean seal level (MSL) and will therefore extend to a height of ± 240.1 feet, well below the horizontal surface elevation. The criterion is met.

-
- (b) *Development compatibility.* Uses within the Airport Overlay Zone shall not be developed, conducted, or maintained in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract wildlife, or endanger or interfere in any other manner with landing, takeoff, or maneuvering of aircraft using or intending to use McNary Field.

Response: The planned project is not anticipated to create electrical interference, excessive glare, or impact navigation. An FAA permit has been applied for that can further support this development's compatibility with the airport's requirements. These standards are met.

- (c) *Marking and lighting.* Marking and lighting necessary to indicate the presence of buildings, structures, or vegetation to operators of aircraft in the vicinity of the airport shall be provided as required by the FAA.

Response: This requirement is understood. Additional details addressing this criterion can be provided with construction drawings or issuance of the FAA permit.

CHAPTER 800 – GENERAL DEVELOPMENT STANDARDS

Section 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.

Response: The UDC does not provide an exemption for the planned project. The standards of this chapter apply.

Section 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.

Response: The planned improvements include a new solid waste and recycling area larger than 1 cubic yard. The standards of this section apply.

- (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.

Response: As shown on the Trash Enclosure and Details Plan within Exhibit B, the above standards are met. The pad extends more than 1 foot beyond the sides and rear of the receptacle and over 3 feet beyond the front of the receptacle.

(2) **Minimum separation.**

- (A) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.

(...)

Response: As shown in the Trash Enclosure and Details Plan within Exhibit B, the planned solid waste enclosure meets this separation requirement. This standard is met.

(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.

Response: The planned receptacle is not less than 2 cubic yards in size. This standard does not apply.

- (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

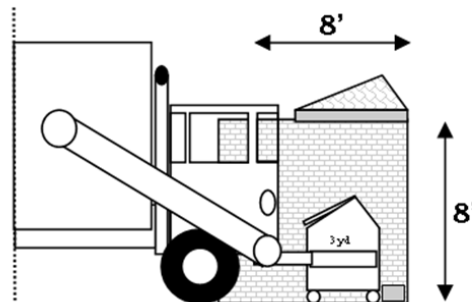
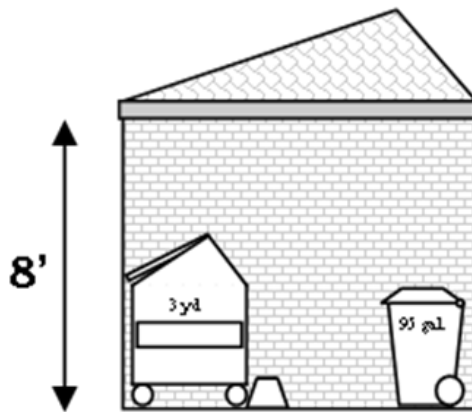


FIGURE 800-7 REDUCED OVERHEAD OR VERTICAL CLEARANCE FOR ENCLOSURES WITH INTERNAL PHYSICAL BARRIER



Response: There are no physical barriers or roofs above the planned receptacle. These standards can be met.

(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.

Response: Permanent drop boxes are planned; therefore the standards of this section apply. The Preliminary Plans within Exhibit A and the Trash Enclosure and Details Plan within Exhibit B demonstrate these standards can be met.

(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.

Response: The planned solid waste service area will be screened from abutting properties through a combination of site perimeter landscaping and a sight-obscuring fence surrounding the enclosure. This standard is met.

-
- (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.

Response: As shown on the Trash Enclosure and Details Plan within Exhibit B, the front opening of the enclosure exceeds 12 feet in width. This standard is met.

- (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.

Response: The planned enclosure is not constructed of wood. Construction details are discussed in subsection (B) below. This standard is not applicable.

- (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.

Response: As shown on the Trash Enclosure and Details Plan in Exhibit B, bollards are provided to prevent damage to the interior walls of the enclosure. The intent of this standard is met.

- (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.

Response: The planned enclosure opening is greater than 15 feet in width and gates can open a minimum of 90 degrees. This standard is met.

- (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.

Response: The planned project does not include any of the above-mentioned prohibited enclosures. This standard is not applicable.

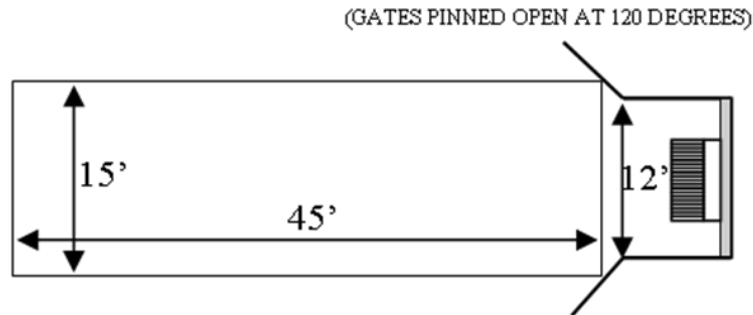
- (f) Solid waste service area vehicle access.

- (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.

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



Response: As shown on the Preliminary Plans within Exhibit A, a planned vehicle operation area measuring 45 feet in length by 15 feet in width is provided in accordance with this criterion. This standard is met.

(...)

- (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.

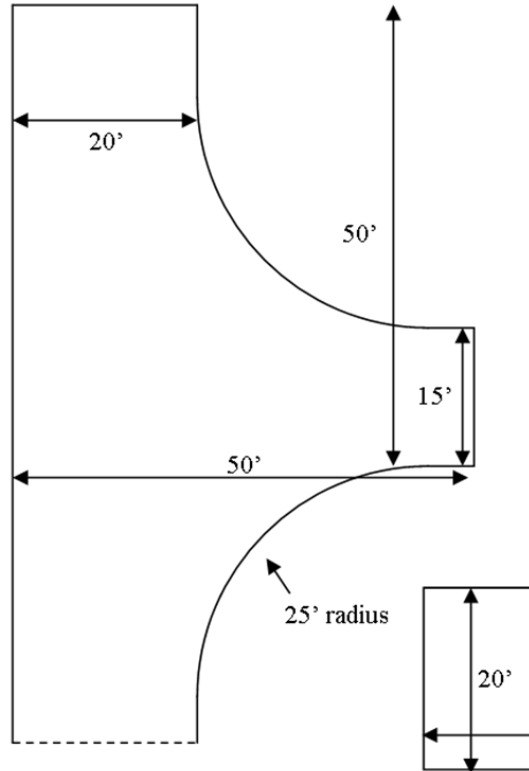
Response: The planned vehicle operation area will utilize the parking lot drive aisle, which by design will be kept free of parked vehicles and other obstructions. This standard is met.

- (D) Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.

Response: The planned vehicle operation area does not have any clearance-related obstructions. This standard is met.

- (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.

Response: The planned vehicle operation area will not rely on a public street to facilitate maneuvering. This standard is met.

- (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.

Response: The entire parking area, including the vehicle operation area, will be paved in accordance with this criterion. This standard is met.

- (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.

Response: No parking signs are currently proposed to meet this standard. Additionally, pavement striping can be installed in front of the enclosure to ensure unobstructed and safe access for the servicing of the receptacle. This standard can be met.

Section 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: The Photometric Plan within Exhibit D shows no lighting reflecting onto adjacent properties and no greater than 5-foot candles in illumination. These standards can be met.

Section 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).

Response: As shown on the Preliminary Plans in Exhibit A, the primary building entrance located at the south end of the planned building is connected to the sidewalk along Kettle Court SE and State Street by marked pedestrian walkways. The walkways will provide a clear connection to safely allow pedestrian travel across the internal drive aisles. This standard is met.

- (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).

Response: Two Cherriot transit stops along State Street are identified on in the Salem Area Mass Transit District. These stops are not located on the State Street site frontage. One is located further west at the intersection of State Street and Airport Road SE. The other is located further east, past the intersection of State Street and Hawthorn Avenue SE. A pedestrian sidewalk along Kettle Court SE is being constructed to connect with the State Street pedestrian facilities to comply with this requirement. This standard is met. ..

- (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.

(...)

Response: More than one building is not part of the planned project. These standards do not apply.

(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.

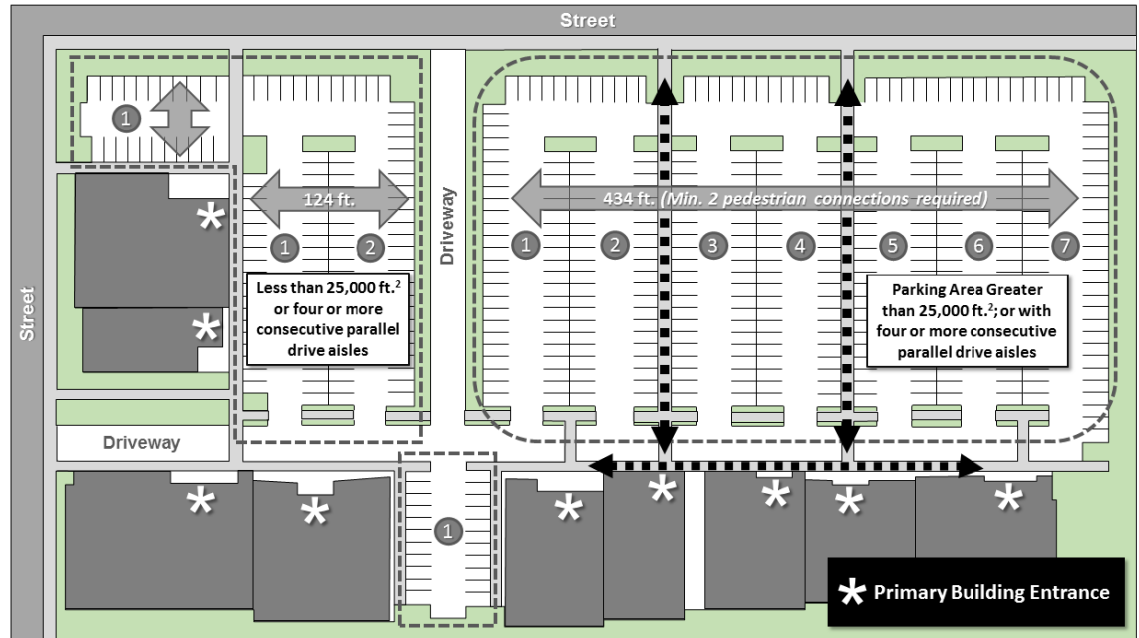
- (iv) Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet. For purposes of this subsection, parking area depth is measured through the parking area from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

FIGURE 800-13. PEDESTRIAN CONNECTIONS THROUGH OFF-STREET PARKING AREAS



Response: The planned parking area is greater than 25,000 square feet; however, at no point is the depth of the parking area greater than 124 feet. Therefore, pedestrian connections are not required through the parking area in accordance with the above standards. However, pedestrian connections shown on the Preliminary Site Plan within Exhibit A connect the main building entrance to the larger pedestrian circulation system along Kettle Court SE and State Street. As applicable, these standards are met.

- (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: The planned project does not include a parking structure or parking garage. This standard is 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: A planned trail alignment along Mill Creek located on the eastern portion of the site is identified as a planned path on the City's transportation system plan (TSP). No abutting

sections of the path have been constructed and the applicant will provide a public access easement for the future construction of the path. The exact location of the pathway has not been provided by City staff to confirm placement of said easement. This standard can be met.

(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.

(...)

Response: The planned project does not include any vehicle connections to abutting property. These standards do not apply.

(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.

Response: The pedestrian walkways depicted on the Preliminary Site Plan (Exhibit A) feature contrasting surface materials when crossing driveways and raised concrete sidewalks when located adjacent to a travel lane. This standard is met as shown on the Preliminary Site Plan.

(2) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

Response: Wheel stops or raised 6-inch curbs are provided along pedestrian connections to prevent the encroachment of vehicles. These standards are met.

- (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: The Photometric Plan (Exhibit D) shows adequate lighting provided within the parking area and pedestrian connections. This standard will be met.

CHAPTER 802 – PUBLIC IMPROVEMENTS

Section 802.025 Utilities to be underground

- (a) Except as otherwise provided in this section, all utility service shall be provided by underground facilities.
- (b) In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.
- (c) Stormwater management shall be provided by above ground and below ground facilities.

Response: As shown in the Composite Utility Plan within Exhibit A, all utilities are provided underground. This standard is met.

CHAPTER 803 – STREETS AND RIGHT-OF-WAY IMPROVEMENTS

Section 803.010 Streets, generally

Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.

Response: The planned project does not include improvements to State Street, which is already improved to applicable City standards. Kettle Court SE is a private street. Compliance with applicable improvement standards is discussed in SRC 803.020 below.

Section 803.015 Traffic impact analysis

- (a) *Purpose.* The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.
- (b) *Applicability.* An applicant shall provide a traffic impact analysis if one of the following conditions exists:
- (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.
 - (2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.
 - (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.

-
- (c) *Improvements may be required.* On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.
 - (d) *Exception.* An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.

Response: The planned hotel will not generate more than 1,000 daily vehicle trips. The City completed a Trip Generation Estimate (Exhibit C) that confirms the hotel will generate approximately 919 daily vehicle trips and a TIA is not required.

Section 803.020 Public and private streets

- (a) **Public streets.** Except as provided in subsection (b) of this section, all streets shall be public streets.
- (b) **Private streets.**
 - (1) Internal streets in subdivisions, partitions, and planned unit developments may be either public or privately owned; provided that the internal streets may be required to be public, given the connectivity, size, configuration, location, and number of lots or dwelling units, and the nature and location of public and common facilities and proposed uses.
 - (2) Private streets shall conform to this chapter and the Public Works Design Standards, unless otherwise required by state law.
 - (3) Any subdivision, partition, or planned unit development that includes private streets shall have recorded covenants, conditions, and restrictions which provide that all common property owners shall be members of a property owners' association. The covenants, conditions, and restrictions shall, at a minimum, require that the association be responsible for the perpetual maintenance and operation of all private streets and related facilities in the development, including, but not limited to, parking areas, private streets, privately owned pedestrian/bikeways, and landscape strips. Such association shall have the power to levy and assess against privately owned property in the development all necessary costs for maintenance and operation of the private streets and related facilities.

Response: The planned project includes street improvements along Kettle Court SE, a private street, in the form of pedestrian walkways and landscaping as identified at the pre-application meeting. A public access easement will be provided and shall conform to the applicable Public Works Design Standards. These standards are met.

Section 803.025 Right-of-way and pavement widths

- (a) Except as otherwise provided in this chapter, right-of-way width for streets and alleys shall conform to the standards set forth in Table 803-1.

Response: Kettle Court SE is a private street, which does not require public right-of-way dedication and the current right-of-way width for State Street exceeds the minimum standard set forth in Table 803-1. Pavement width standards are addressed below.

- (b) Except as otherwise provided in this chapter, streets shall have an improved curb-to-curb pavement width as set forth in Table 803-2.

TABLE 803-2. PAVEMENT WIDTH		
Street Type	Width	Limitations & Qualifications
Parkway	Min. 80 ft.	
Major arterial	Min. 68 ft.	
Minor arterial	Min. 46 ft.	
Collector	Min. 34 ft.	Applicable to Type A collector.
	Min. 40 ft.	Applicable to Type B collector.
	Min. 34 ft.	Applicable to Type C collector.
Local Street	Min. 30 ft.	
Cul-de-sac	Min. 30 ft.	Applicable to the stem of the cul-de-sac.
	Min 38 ft. radius	Applicable to the turnaround of the cul-de-sac.

Response: Kettle Court SE and State Street currently meet these standards as constructed. No additional pavement widening is proposed. This standard is met.

Section 803.035 Street standards

All public and private streets shall be improved as follows:

- (a) *Connectivity.* Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:
- (1) Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.
 - (2) Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or
 - (3) The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.

Response: The planned improvements do not include new streets. State Street and Kettle Court SE are already developed and provide physical connections to surrounding properties. Pedestrian connections are provided on-site and are planned along Kettle Court SE to connect to existing pedestrian walkways along State Street. As applicable, these standards are met.

- (b) *Improvements.* All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and the Public Works Design Standards.

Response: Street improvements in accordance with these standards are discussed throughout this narrative. Proposed improvements will be constructed to conform with Public Works Design Standards. This standard is met.

- (c) *Alignment and grade.* All streets shall be designed with a vertical alignment that conforms to the Public Works Design Standards. No grade of parkway, major arterial, or minor arterial shall exceed six percent. No grade of a collector street shall exceed eight percent. No grade of a local street shall exceed 12 percent.

Response: The planned improvements do not include new streets or grading of existing streets. These standards are being met and do not apply to the application.

- (d) *Dead-end streets.* When it appears necessary to provide connectivity into or through an abutting undeveloped area, a dead-end street shall be provided to the boundary of the undeveloped area. The street may be constructed and right-of-way may be dedicated without a turnaround unless the Planning Administrator finds that a turnaround is necessary.

Response: The site does not contain dead-end streets. This standard is not applicable.

(...)

- (h) *Cut and fill slopes.* Fill slopes shall begin no closer than two feet from the rear edge of the sidewalk, or if there is no sidewalk, from to the rear edge of the curb. Cut and fill slopes shall not exceed two horizontal to one vertical, provided that slopes not exceeding one to one may be approved upon certification by a qualified engineer or geologist that the slope will remain stable under foreseeable conditions.

Response: These standards are met as shown on the Preliminary Grading and Drainage Plan within Exhibit A.

- (i) *Slope easements.* Slope easements shall be provided on both sides of the right-of-way where required by Public Works Design Standards.

Response: Slope easements are not required per Public Works Design Standards for the planned project. This standard is not applicable.

- (j) *Street alignment.* Consistent with good engineering practice, street alignment shall, so far as possible, avoid natural and constructed obstacles, including, but not limited to, mature trees.

Response: Street alignment does not apply to the planned project, as no new streets are planned.

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

Response: Ten street trees are proposed along Kettle Court SE, a local private street, in accordance with the pre-application meeting feedback. This standard is met.

- (l) *Sidewalks.*

- (1) *Sidewalk construction required.* Sidewalks conforming to this chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC chapter 78 shall be constructed as a part of street improvement projects.

- (2) *Sidewalk location; width.*

- (A) Sidewalks shall be located parallel to and one foot from the adjacent right-of-way; provided, however, on streets having a right-of-way of 50 feet or less, sidewalks shall be located parallel to and abutting the curb.
- (B) If topography or other conditions make the construction of a sidewalk impossible or undesirable in a location required by this subsection, a different location may be allowed.
- (C) Except as otherwise provided in this subsection, all sidewalks shall be a minimum of five feet in width.
- (D) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of eight feet in width along the right-of-way for a distance of 600 feet from the point of connection.

-
- (E) Sidewalks shall have an unobstructed four-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.

Response: As depicted on the Preliminary Site Plan within Exhibit A, sidewalk improvements are provided along Kettle Court SE, which has no public right-of-way, and there is an existing underground power service that Portland General Electric (PGE) would not support placing street trees over adjacent to the curb. Therefore, the sidewalk is located curb tight in accordance with these criteria. As applicable, these standards are met.

- (m) *Bicycle facility standards.* Streets identified in the Salem Transportation System Plan Bicycle System Map as requiring a bicycle facility must conform to the designation of the Salem Transportation System Plan and the Public Works Design Standards.

Response: Kettle Court SE is not identified in the Salem TSP as requiring a bicycle facility. Bicycle parking is discussed further below. This standard does not apply.

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

Response: Applicable public utility easements are included in the Title Report (Exhibit E).

- (o) *Street lights.* All subdivisions and partitions, and all development on units of land for which site plan review is required, shall include underground electric service, light standards, wiring, and lamps for street lights that conform to the Public Works Design Standards. The developer shall install such facilities. Upon the City's acceptance of improvements, the street lighting system shall become the property of the City.

Response: Underground electrical service, wiring, and street light locations are shown in Exhibit A. Two streetlights already exist along the Kettle Street SE frontage and no further improvements are proposed. These standards are already met with the existing site condition.

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

Response: Landscape strip requirements are discussed further below. These standards are met.

Section 803.040 Boundary streets

- (a) *General.* Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following:
- (1) Subdivisions;
 - (2) Partitions;
 - (3) Planned unit developments;
 - (4) Manufactured dwelling parks; and
 - (5) The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC chapter 56.

Response: The subject property is bordered by two streets: State Street, which is already developed to City standards, and Kettle Court SE, a local private street. Relevant improvement provisions for each are addressed below.

-
- (b) *Three-quarter street improvement.* If construction of a half-street improvement is insufficient to provide for a minimum of one 12-foot-wide travel lane in each direction or proper street grade, dedication of right-of-way for, and construction or improvement of, a three-quarter street improvement may be required.

Response: Three-quarter street improvements are not required. Adequate travel lane widths are already met with the existing site condition. This standard does not apply.

- (c) *Additional right-of-way and improvements.* Dedication and improvement of streets to greater widths than those provided in SRC 803.025 may be required when:

- (1) An area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant.
- (2) Topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way width or slope easements may be required to allow for all cut and fill slopes.
- (3) Additional area is required for stormwater facilities located within the right-of-way.

Response: Dedication and improvements of greater widths are not required. These standards do not apply.

(...)

- (e) *Improvement.*

- (1) All boundary street improvements shall conform to this chapter and the Public Works Design Standards.
- (2) The maximum amount of street widening shall not exceed 17 feet on the development side, plus curb, gutters, sidewalks, bike lanes, stormwater facilities, street lights, and signing where appropriate. The minimum requirement for the opposite side of the centerline is a 12-foot-wide paved travel lane. The boundary street improvement shall be provided along the full length of the boundary.

Response: The planned project does not include street widening. This standard does not apply.

- (3) If development is proposed for only a portion of a development site or complex, the boundary street improvement shall be provided as follows:
 - (A) Where the area of development exceeds 25 percent of the total development site or complex area, the street improvements shall be the greater of either the actual street frontage of the phase being developed, or the percentage of street frontage equal to the percentage of area being developed.
 - (B) Where the area of development is equal to or less than 25 percent of the total development site or complex area, the street improvement shall be provided in accordance with the following formula:
 - (i) $\text{Frontage of Required Street Improvement} = \frac{\text{Proposed Area of Development}}{\text{Area of Undeveloped Site}} \times \text{Total Street Frontage of Entire Development Site or Complex.}$
 - (C) As used in this subsection, the term "area of development" means that area required for structures, setbacks, off-street parking, landscaping, and any special setbacks.

Response: Pedestrian facilities are proposed for the full length of the site abutting Kettle Court SE. This standard is met.

CHAPTER 804 – DRIVEWAY APPROACHES

Section 804.010 Applicability

This chapter applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach.

Response: The planned improvements do not include vehicle access over public right-of-way. Access to the site will be provided via Kettle Court SE, which is a private road. As a result, the provisions of this chapter do not apply.

CHAPTER 805 – VISION CLEARANCE

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.

(...)

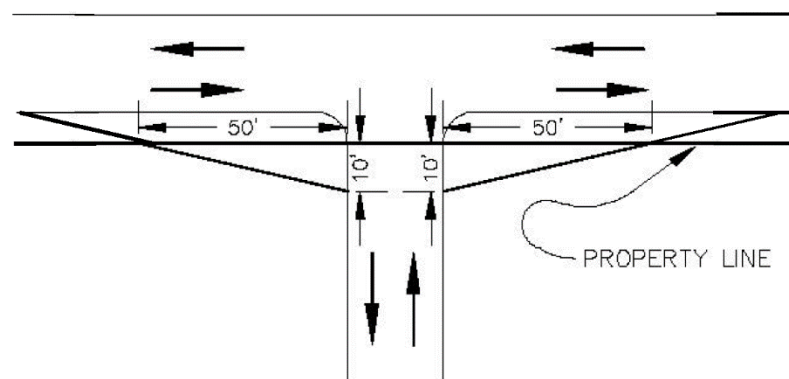
(b) *Intersections with driveways, flag lot accessways, and alleys.* Vision clearance areas at intersections of streets and driveways, streets and flag lot accessways, streets and alleys, and alleys and driveways shall comply with the following:

(1) Driveways.

(...)

(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: As shown on the Preliminary Site Plan within Exhibit A, a commercial driveway approach consistent with City standards is included. Adequate site distance is provided at the connection to Kettle Court SE. This code is not applicable due to how it would be measured with the property line located in the center of Kettle Court SE.

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.

- (a) The following obstructions may be placed in a vision clearance area, unless the cumulative impact of the placement results in an obstruction to vision:
 - (1) A column or post, so long as the column or post does not create a visual obstruction greater than 12 inches side-to-side.
 - (2) Utility poles and posts, poles, or supporting members of street signs, street lights, and traffic control signs or devices installed by, or at the direction of, the Public Works Department or any other public agency having jurisdiction over the installation.
 - (3) On-street parking.
- (b) Trees. Trees may be planted within a vision clearance area provided they are a species listed on the parks approved street tree list, and they comply with the following:
 - (1) The planting area is sufficient to support the tree when mature.
 - (2) The tree will not interfere with overhead utilities.
 - (3) The tree is a species that can be trimmed/pruned to provide necessary visibility.
- (c) Nothing in this chapter shall be deemed to waive or alter any requirements relating to setbacks or landscaping in the UDC. In the event of a conflict between the standards of this chapter and another chapter of the UDC, the standards in this chapter shall control.

Response: The planned vision clearance area will be free of obstructions in accordance with this section. To the extent this section is applicable, these standards are met.

CHAPTER 806 – OFF-STREET PARKING, LOADING, AND DRIVEWAYS

Section 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		
Use	Maximum Number of Spaces Allowed ^{(1), (2), (3)}	Limitations and Qualifications
Lodging		
Short-term commercial lodging	1.5 per guest room or suite	
Long-term commercial lodging		
Nonprofit shelters	1 per 200 sq. ft.	
⁽¹⁾ Unless otherwise provided, when off-street parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area. ⁽²⁾ When a proposed use includes no structure and an applicable maximum off-street parking requirement is not otherwise identified in the table, the maximum number of off-street parking spaces allowed for the use shall be one space per employee. ⁽³⁾ For uses with more than 65,000 square feet of floor area, the total amount of off-street surface parking on the lot, or lots, proposed for the development, and any contiguous lots under the same ownership, shall not exceed the floor area of the building or buildings. For purposes of measuring the total amount of off-street surface parking, loading areas and other paved areas not for use by passenger vehicles shall not be counted.		

Response: The planned project includes 102 vehicle parking spaces within the off-street parking area. Based on the table above, the maximum number of spaces allowed for a 115-room hotel is 173 spaces. The planned parking does not exceed the maximum. This standard is met.

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

Response: Only one compact space is provided in the southeast corner of the parking area and is shown on the Preliminary Site Plan within Exhibit A. This standard is met.

- (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: While the subject property is located within the IP zoning district, the planned use is not considered any of the above-mentioned classifications. There is no apparent need to include carpool and vanpool parking for short-term lodging. Shuttles, buses, or vans may utilize the loading area and parking spaces as necessary. This standard does not apply.

- (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: The planned project does not include residential dwellings. Therefore, electric vehicle (EV) charging is not required. However, the Applicant is providing six EV charging spaces as part of the planned project.

Section 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 for guests is currently anticipated to be provided via the guest agreement or via shared parking easements. The criterion is met.

Section 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;

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- (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: New off-street parking is included in the planned project. The provisions of this section apply.

(b) Location.

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

Response: The planned off-street parking area and drive aisles are not located within required setbacks. This standard is met.

- (2) *Carpool and vanpool parking.* Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.

Response: Carpool and vanpool parking is not proposed. This standard is not applicable.

- (3) *Underground parking.* Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.

Response: Underground parking is not planned. This standard does not apply.

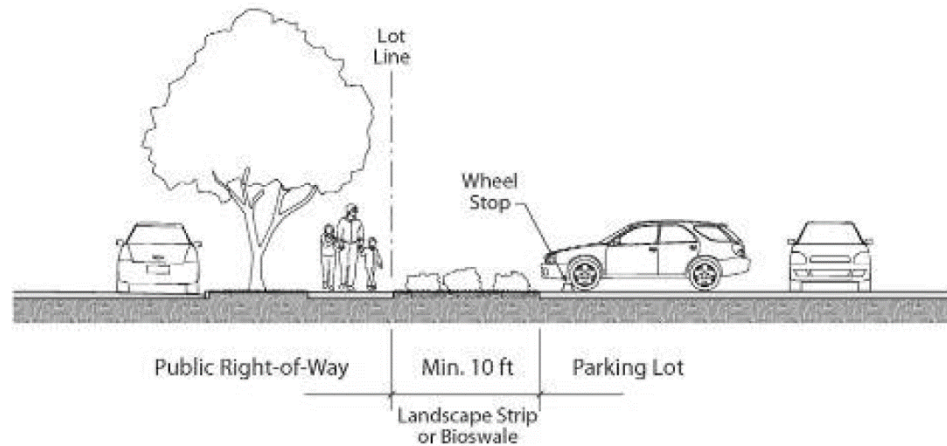
(c) Perimeter setbacks and landscaping.

- (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.
 - (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.

Response: The Preliminary Landscape Plan within Exhibit A shows all setbacks being landscaped in accordance with this section. As applicable, these standards are met.

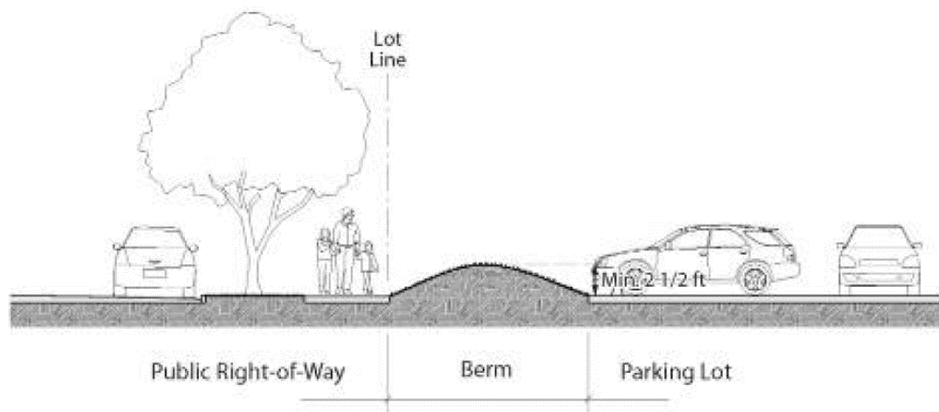
- (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along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



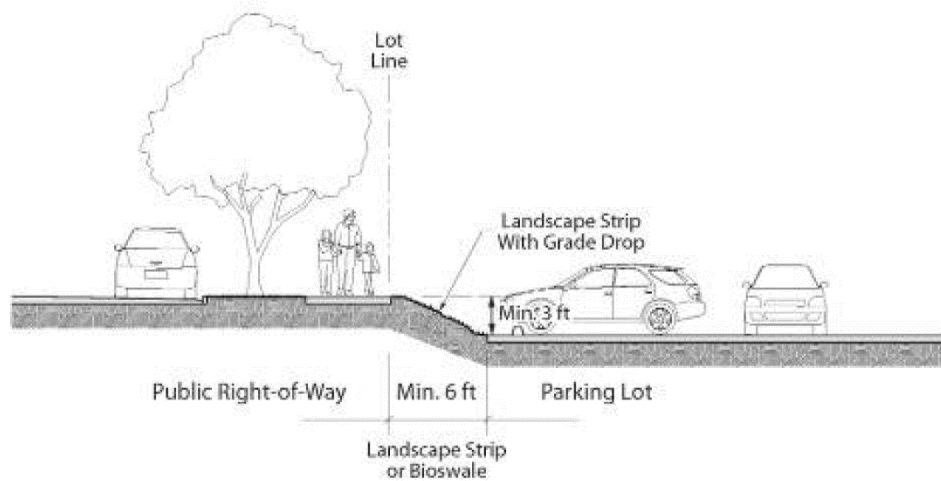
- (B) *Method B.* The off-street parking and vehicle use area shall be setback to accommodate a berm, the top of which shall be a minimum of 2.5 feet higher than the elevation of the abutting off-street parking or vehicle use area (see Figure 806-2). The berm shall have a slope no steeper than a 3:1 on all sides, and shall be landscaped according to the Type A standard set forth in SRC chapter 807 with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties. Any portion of the berm that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.

FIGURE 806-2. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS- METHOD B



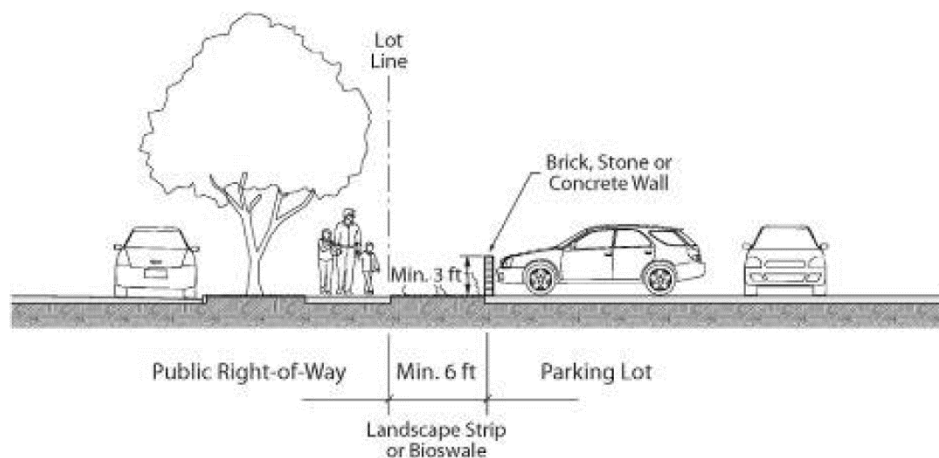
- (C) *Method C.* The off-street parking and vehicle use area shall be setback a minimum six feet to accommodate a minimum three-foot drop in grade from the elevation at the right-of-way line to the elevation of the abutting off-street parking or vehicular use area (see Figure 806-3). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

FIGURE 806-3. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD C



- (D) *Method D.* The off-street parking and vehicle use area shall be setback a minimum six feet in conjunction with a minimum three-foot-tall brick, stone, or finished concrete wall (see Figure 806-4). The wall shall be located adjacent to, but entirely outside, the required setback. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807. Any portion of the wall that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.

FIGURE 806-4. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD D

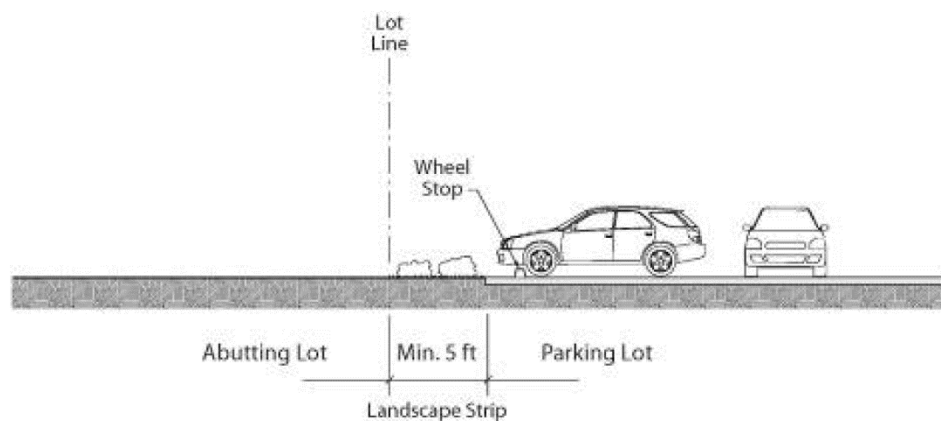


- (E) *Method E.* The off-street parking and vehicle use area shall be setback a minimum of six feet to accommodate green stormwater infrastructure meeting the Public Works Design Standards.

Response: The above perimeter landscaping and setback requirements will apply to the north edge of the property, along State Street, and the east edge of the property along Kettle Court SE. As shown on the Preliminary Landscape Plan within Exhibit A, the 20-foot setback enforced along these road frontages shall be landscaped in accordance with Method A. These standards will be met.

- (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.

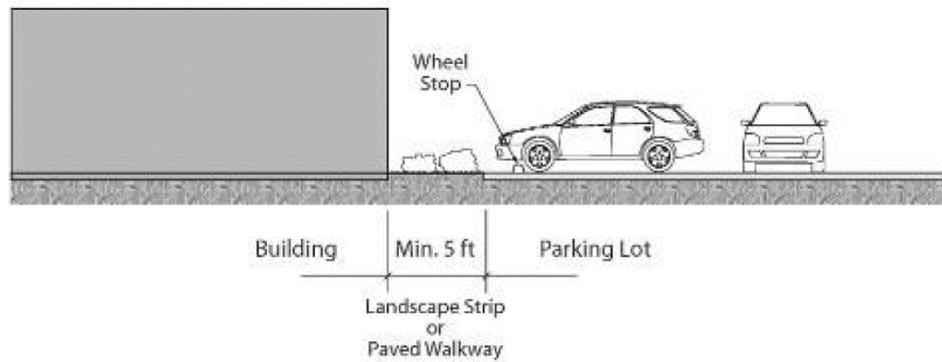
FIGURE 806-5. LANDSCAPING ADJACENT TO AN ADJACENT LOT



Response: These standards are only applicable to the southern property line, which abuts another IP-zoned property. As shown on the Preliminary Landscape Plan within Exhibit A, a ± 75 -foot-wide landscape strip and stormwater facility are provided in this area of the property. This standard is met.

- (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.

FIGURE 806-6. LANDSCAPING ADJACENT TO A BUILDING



Response: As shown on the Preliminary Landscape Plan within Exhibit A, off-street parking is separated from the planned building by a combination of landscaped strips and paved walkways that exceed 5 feet in width. This standard is met.

(...)

(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:

- (A) Vehicle storage areas.
- (B) Vehicle display areas.
- (C) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (D) Gravel off-street parking areas, approved through a conditional use permit.
- (E) Underground parking.
- (F) Parking garages.

Response: The planned off-street parking area is larger than 5,000 square feet in size. The standards of this section apply.

(2) *Minimum percentage of interior landscaping required.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-4. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

TABLE 806-4. INTERIOR OFF-STREET PARKING AREA LANDSCAPING	
Total Interior Area of Off-Street	Percentage Required to be Landscaped
Parking Area	
Less than 50,000 sq. ft.	Min. 5%
50,000 sq. ft. and greater	Min. 8%

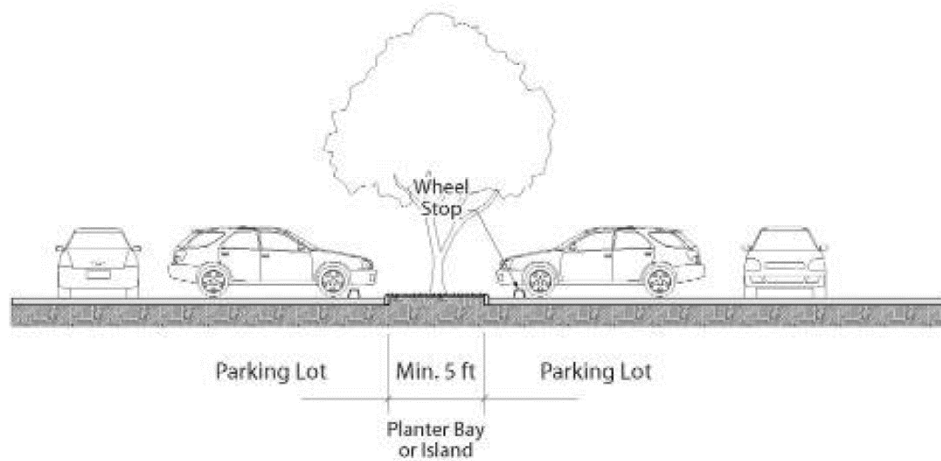
Response: As shown on the Preliminary Landscape Plan within Exhibit A, ±4,066 square feet of landscaping is provided within the parking area, exceeding the 8 percent minimum required by Table 806-4 above. This standard is met.

- (3) *Trees.* A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.

Response: The Preliminary Landscape Plan within Exhibit A shows a total of 29 deciduous trees planted along the perimeter of the parking area. These trees are placed in landscape islands and planter bays to meet this requirement and provide a tree canopy to break up large expanses of paving and long rows of parking spaces. This standard is met.

- (4) *Landscape islands and planter bays.* Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet (see Figure 806-7).

FIGURE 806-7. INTERIOR LANDSCAPING



Response: As shown on the Preliminary Landscape Plan (Exhibit A), all landscape islands and planter bays are at least 5 feet in width and have a minimum area of 25 square feet. These standards are met.

- (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.

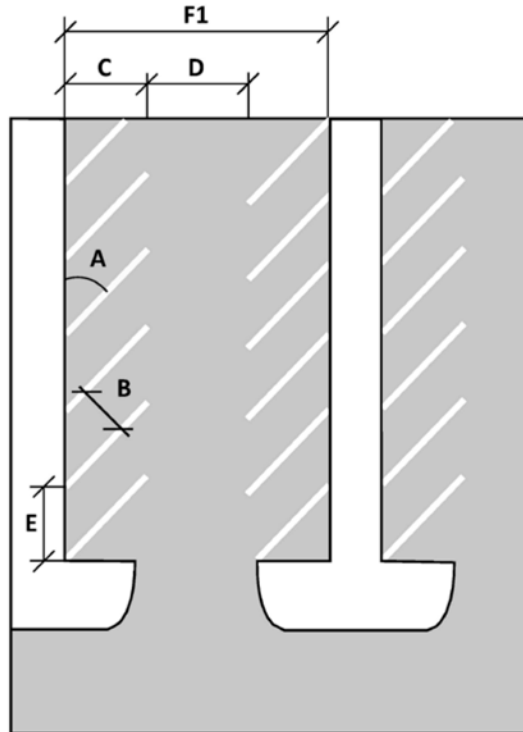
TABLE 806-5. MINIMUM OFF-STREET PARKING AREA DIMENSIONS

Parking Angle A ⁽³⁾	Type of Space	Stall Width B ⁽³⁾	Stall to Curb C ⁽³⁾	Aisle Width ^{(1),(2)} D ⁽³⁾	Curb Length E ⁽³⁾	Front of Stall to Front of Stall F1 ⁽³⁾	Overlap Front of Stall to Front of Stall F2 ⁽³⁾
90°	Compact	8'0"	15.0	22.0	8.0	54.0	-
		8'6" ⁽⁵⁾	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.

FIGURE 806-8. OFF-STREET PARKING AREA LAYOUT REQUIREMENTS



Response: As shown on the Preliminary Site Plan within Exhibit A, all parking spaces and corresponding drive aisles are planned to meet the minimum dimensional standards set forth in Table 806-5 above. These standards are met.

- (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
 - (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.

FIGURE 806-9. OFF-STREET PARKING AREA TURNAROUND

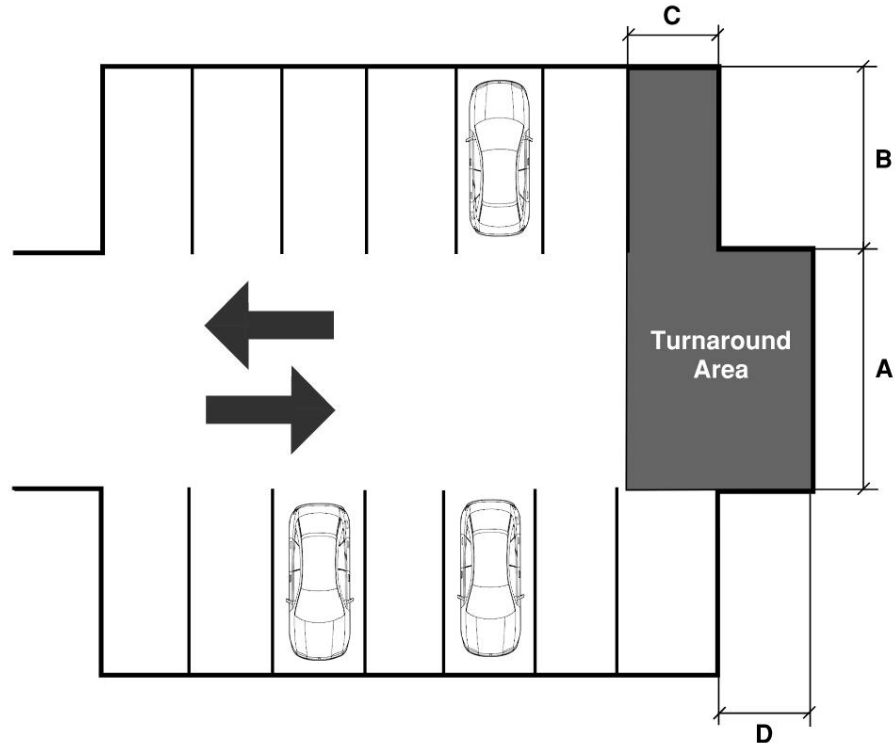


TABLE 806-6. MINIMUM OFF-STREET PARKING AREA TURNAROUND DIMENSIONS			
Aisle Width A	Turnaround Dimensions		
	B	C	D
24 ft. or less	15 ft.	9 ft.	6 ft.
25 ft.	15 ft.	9 ft.	5 ft.
26 ft.	15 ft.	9 ft.	4 ft.
27 ft.	15 ft.	9 ft.	3 ft.
28 ft.	15 ft.	9 ft.	2 ft.
29 ft.	15 ft.	9 ft.	1 ft.
30 ft. or more	15 ft.	9 ft.	0 ft.

Response: As shown on the Preliminary Site Plan within Exhibit A, parking lot access and maneuvering are planned to meet the standards for safe and convenient vehicular access and maneuvering. No backing or maneuvering will be required within the street, and when drive aisles terminate at a dead end, a turnaround area is provided in accordance with Table 806-6 above. These standards are met.

(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: Finished grades of the off-street parking and vehicle use areas are shown on the Preliminary Grading and Drainage Plans within Exhibit A. Finished grades for the off-street parking spaces and internal accessways do not exceed 10 percent. This standard is met.

- (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.

FIGURE 806-10. LANDSCAPED FRONT PORTION OF PARKING STALL



Response: The parking lot improvements shown on the Preliminary Site Plan within Exhibit A will be improved with hard surface materials meeting the Public Works Design Standards. These standards are met.

- (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: Drainage is provided on the Preliminary Grading and Drainage Plans within Exhibit A. This plan was prepared by a registered professional engineer and is intended to comply with the City's Public Works Design Standards. This standard is met.

- (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: Wheel barriers or curbs are provided to ensure that no portion of a vehicle will overhang into the required setbacks, landscaped areas, sidewalks, or streets as shown on the Preliminary Site Plan within Exhibit A. This standard is met.

-
- (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:

- (1) Vehicle storage areas.
- (2) Vehicle sales display areas.
- (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (4) Gravel off-street parking areas, approved through a conditional use permit.

Response: All parking spaces are planned to be striped in conformance with the minimum dimensional standards set forth in Table 806-6. This standard is met.

- (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 movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.
- (2) *Compact parking.* Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.
- (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: Future marking and signage shown on the plans will conform to the Manual of Uniform Traffic Control Devices, as necessary. Additionally, Compact striping is proposed and there are no planned carpool or vanpool parking spaces requiring signs to be posted. This standard can be met.

- (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: The Photometric Plan within Exhibit D shows areas of the site that will be illuminated to facilitate safe and effective use of the parking area and walkways at night. These standards are met.

- (n) *Additional standards for new off-street surface parking areas more than one-half acre in size.* When a total of more than one-half acre of new off-street surface parking is proposed on one or more lots within a development site, the lot(s) proposed for development shall comply with the additional standards in this subsection. For purposes of these standards, the area of an off-street surface parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways and off-street loading areas.

- (1) *Climate mitigation.* Except for development that includes a public building as defined in OAR 330-135-0200 that must otherwise comply with Chapter 330, Division 135 of the Oregon Administrative Rules, development that includes a total of more than one-half acre of new off- street surface parking shall provide one or more of the following climate mitigation measures, which may be used in combination. When used in combination, each climate mitigation measure shall be counted as a proportion of the total amount of mitigation required, as shown in Figure 806-11. (Example: A development with one half acre of new off-street surface parking, including 80 parking spaces, may provide solar power generation infrastructure of 20 kilowatts; thereby meeting 50 percent of the total amount of mitigation required. The remainder may be accomplished by providing tree canopy area covering 20 percent of the new off-street parking and vehicle use areas; thereby meeting the remaining 50 percent of the total amount of mitigation required.) This requirement cannot be adjusted or varied.

FIGURE 806-11. FORMULAS FOR CALCULATING CLIMATE MITIGATION

$$\begin{array}{l}
 \text{Tree canopy:} \\
 \left(\frac{1}{\text{area of the parking lot} \times 0.4} \right) \div \left(\frac{1}{\text{area of tree canopy provided}} \right) \times 100 = \begin{array}{l} \text{\% of mitigation} \\ \text{requirement met via} \\ \text{tree canopy} \end{array} \\
 \\
 \text{Solar Power Generation:} \\
 \left(\frac{1}{\text{number of parking spaces}} \right) \div \left(\frac{1}{\text{kilowatts of solar} \times 0.5} \right) \times 100 = \begin{array}{l} \text{\% of mitigation} \\ \text{requirement met via} \\ \text{solar power generation} \end{array} \\
 \\
 \text{Payment in Lieu:} \\
 \left(\frac{1}{\text{number of parking spaces}} \right) \div \left(\frac{1}{\text{number of spaces offset by} \atop \text{payment in lieu}} \right) \times 100 = \begin{array}{l} \text{\% of mitigation} \\ \text{requirement met via} \\ \text{payment in lieu} \end{array} \\
 \\
 = \\
 \begin{array}{l} \text{Total percentage of} \\ \text{mitigation} \\ \text{requirement met} \end{array}
 \end{array}$$

- (A) *Solar power generation.* On-site solar power generation infrastructure shall be provided with a capacity of at least 0.5 kilowatts per new off-street parking space. The solar power generation infrastructure shall be located on the lot(s) proposed for development but need not be located in parking or vehicle use areas.

Response: Solar power generation is not included with the planned project. Increased tree canopy coverage makes up 100 percent of the required mitigation.

- (B) *Payment into city's equitable renewable energy fund.* A payment shall be made into the city's equitable renewable energy fund at a rate of not less than \$1,500.00 per parking space and tied to inflation. The per parking space fee, adopted through Ordinance Bill No. 7-23, effective November 27, 2023, shall increase by an amount equal to any percentage increase in the consumer price index for urban wage earners and clerical workers for the Portland-Salem, Oregon region effective on July 1 of each year, unadjusted for seasonal variations, as determined by the Bureau of Labor Statistics of the Department of Labor.

Response: Payment into the City's equitable renewable energy fund is not included. Increased tree canopy coverage makes up 100 percent of the required mitigation.

-
- (C) *Increased tree canopy coverage.* Increased on-site tree canopy area shall be provided, in conformance with the standards included under subsection (n)(3) of this section, covering at least 40 percent of new off-street parking and vehicle use areas in no more than 15 years. For purposes of this calculation, paved areas used for loading, outdoor storage of goods and materials, and solid waste services are not included in the off-street parking and vehicle use area.

Response: As shown on the Preliminary Landscape Plan within Exhibit A, ±17,207 square feet of tree canopy is provided within the ±43,018-square-foot parking area ($17,207 / 43,018 = 40\%$). The increased tree canopy coverage requirement is met and makes up 100 percent of the required mitigation.

- (2) *Provision of tree canopy.* Development that includes a total of more than one-half acre of new off-street surface parking shall provide tree canopy in conformance with one or more of the following:
- (A) *Trees along driveways.* Trees shall be provided along both sides of driveways in conformance with the standards included under subsection (n)(3) of this section; or
- (B) *Tree canopy coverage.* On-site tree canopy area shall be provided, in conformance with the standards included under subsection (n)(3) of this section, covering at least 30 percent of new off-street surface parking and vehicle use areas in no more than 15 years. For purposes of this calculation, paved areas used for loading, outdoor storage of goods and materials, and solid waste services are not included in the off-street parking and vehicle use area.

Response: As described above, 40 percent of the off-street parking area will be covered by tree canopy. These standards are met.

- (3) *Tree canopy standards.* To ensure new off-street surface parking totaling more than one-half acre in size meets minimum tree canopy coverage requirements, new trees shall be planted and/or existing trees shall be preserved in conformance with the following standards:
- (A) Expected tree canopy area.
- (i) Expected on-site tree canopy area shall be based on the standards set forth in Table 806-7.
- (ii) New trees that are planted shall be selected from Table 806-7. When a tree proposed to be planted is not identified in Table 806-7, the tree may be approved by the Planning Administrator if it is a native, drought resistant, species that will provide tree canopy area commensurate with either large or small trees as specified in Table 806-7.
- (iii) Existing trees that are preserved may be included in expected tree canopy area, regardless of species, so long as they conform to the other standards of this subsection. Mature trees 15 years of age or older may be counted with their existing canopy area at the time of application. Immature trees shall be categorized as either small or large trees based on how their species is identified in Table 806-7. Immature trees of a species not listed in Table 806-7 shall be categorized by the Planning Administrator as either small or large based on the average spread of the species at maturity.

-
- (iv) Each tree meeting the requirements of this subsection may be counted toward the total expected tree canopy area so long as the trunk of each tree is located within 10 feet of the parking area.
 - (v) *Exclusions to expected tree canopy area.* The following portions of tree canopy shall not be counted as part of the expected tree canopy area:
 - (aa) Where trees are planted in such proximity that their expected tree canopy area at 15 years will overlap by more than five linear feet, portions of the expected tree canopy area exceeding five feet of overlap shall not count toward the expected tree canopy coverage area.
 - (bb) Portions of expected tree canopy that overlap with any portion of an existing or proposed building shall not be counted for the purposes of meeting tree canopy requirements.

Response: The expected tree canopy coverage is based on the standards set forth in Table 806-7. For the purpose of calculating tree canopy coverage, street trees are not included. The Tree Preservation Plan and the Preliminary Landscape Plan within Exhibit A demonstrate compliance with the above standards.

- (B) *Tree planting standards.* Trees provided to meet tree canopy coverage requirements shall be:
 - (i) Planted in such proximity that they form a continuous canopy within 15 years of planting based on the expected tree canopy area of the trees set forth in Table 806-7, except where interrupted by vehicle use areas, solid waste service areas, buildings, power lines, stormwater infrastructure, and children's play areas;
 - (ii) Planted in planting islands containing a minimum of three trees per planting island and the minimum required soil amount per tree type specified in Table 806-7;
 - (iii) Planted to ensure that no more than 20 percent of their expected canopy overlaps with existing or proposed buildings;
 - (iv) Not less than 1.5 inch caliper in size at the time of planting; and
 - (v) Planted and maintained to meet, at minimum, the standards in the 2021 ANSI A300 handbook.

Response: These tree planting standards are depicted in the Preliminary Landscape Plan. These standards can be met.

TABLE 806-7. TREE PLANTING STANDARDS FOR CALCULATION OF ON-SITE TREE CANOPY				
Tree Type	Tree Species	Expected 15-Year Tree Canopy Diameter	Soil Requirements	
			Minimum Soil Volume	Minimum Soil Depth
Small Trees	American hornbeam American yellowwood Bald cypress Black gum Bloodgood Japanese maple Cascara Chinese pistache Dura heat river birch Eastern redbud European hornbeam Frontier elm Golden rain tree Natchez crape myrtle Oregon white oak Parrotia, Persian ironwood Silver linden Silverleaf oak Yoshino cherry	35 ft.	1,000 cubic feet	2 ft.
Large Trees	Accolade elm Chinese elm Hackberry Holly oak Honey locust London plane tree Ponderosa pine Red oak Scarlet oak Swamp white oak Willow oak Zelkova	50 ft.	1,500 cubic feet	2 ft.

(C) *Tree Location/Utility Coordination.* Coordination shall be demonstrated with the local electric utility to ensure the compatibility of tree canopy and root systems with planned and existing utility infrastructure.

Response: Tree locations are planned to not interfere with utilities on-site. This standard can be met.

Section 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: One driveway for ingress and egress is proposed for the site. The driveway approach standards in SRC Chapter 804 are addressed in this narrative. This standard is met.

(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: The planned driveways are not located within required setbacks. This standard is met.

(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.

Response: As shown on the Preliminary Site Plan within Exhibit A, the planned driveway will provide direct access to Kettle Court SE. Therefore, perimeter setbacks and landscaping are not required at the planned driveway location.

- (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).

Response: The planned driveways are set back and landscaped. This standard is met.

- (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: Planned driveways do not abut interior front, side, or rear property lines. They are separated by parking or pedestrian walkways with landscaping. This standard does not apply.

(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: As shown on the Preliminary Site Plan within Exhibit A, the planned improvements include a two-way driveway that is greater than 22 feet in width. The driveway will be surfaced with a hard surface material, adequately designed, graded, drained, and signed to meet applicable Public Works Design Standards. These standards are met.

Section 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: The bicycle parking requirements apply to the parking lot improvements included in this application and are addressed below.

Section 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: As shown on the Preliminary Plans within Exhibit A, bicycle parking is provided on-site. This standard is met.

Section 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(1), (2)	Maximum Percentage of Long-Term Spaces Allowed(3)	Limitations & Qualifications
Lodging			
Short-term commercial lodging	The greater of 4 spaces or 1 space per 50 rooms.	75%	
Long-term commercial lodging			
Nonprofit shelters	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	75%	

Response: Table 806-9 above requires the greater of four spaces or one space per fraction of 50 rooms. The planned hotel will have 115 rooms, which would require three spaces. Therefore, four spaces will be provided on-site. This standard is met.

Section 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: As shown on the Preliminary Site Plan within Exhibit A, four bicycle spaces (two staple bike racks) are clearly visible and provided within 50 feet of the primary building entrance. This standard is met.

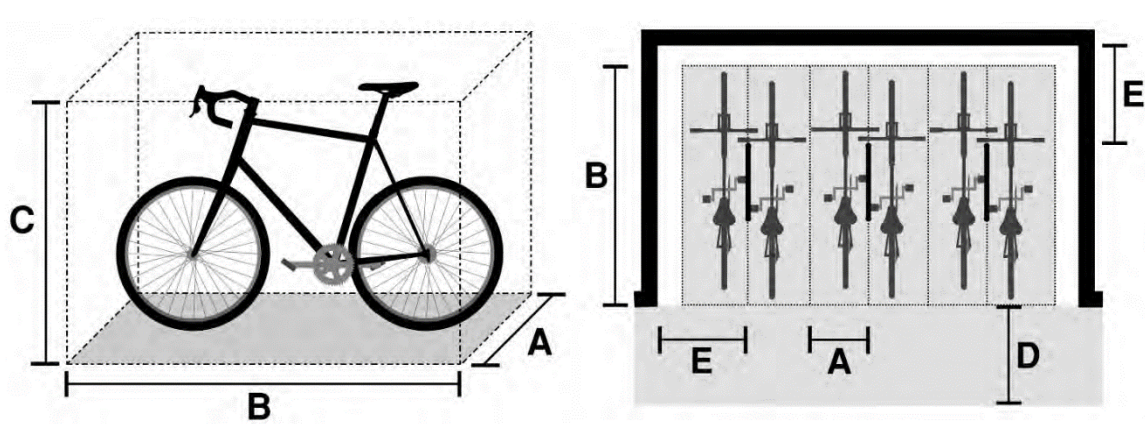
- (b) *Access.* All bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

Response: The bicycle parking area is provided at the primary building entrance, which is connected to public right-of-way along State Street and pedestrian facilities along Kettle Court SE. No obstructions or barriers would require users to lift their bikes in order to access the bike parking area. These standards are met.

- (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
Horizontal Spaces ⁽¹⁾					
Standard	2 ft.	6 ft.	4 ft.	4 ft.	2 ft.
Side-by-side ⁽²⁾	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: The Preliminary Site Plan within Exhibit A shows bicycle spaces that are 3 feet in width by 6 feet in length with a 4-foot-wide access aisle. These dimensional standards are met.

-
- (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: The bicycle parking spaces are planned to be installed on a hard, concrete surface meeting Public Works Design Standards, as shown on the Preliminary Site Plan within Exhibit A. This standard is met.

- (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.

Response: Staple bike racks are included in the bike parking area and annotated in the site keyed notes on the Preliminary Site Plan within Exhibit A. These standards will be met.

Section 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.

Response: The off-street loading requirements apply to the parking lot improvements included in this application and are addressed below.

Section 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.

Response: Off-street loading is provided on-site. This standard is met.

Section 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 ⁽¹⁾		Dimensions			Limitations & Qualifications
			Width	Length	Height	
Use Category:	None	Less than 5,000 sq. ft.	N/A	N/A	N/A	
<ul style="list-style-type: none"> ■ Group living ■ Lodging ■ Retail sales and service ■ Education services 	1	5,000 to 60,000 sq. ft.	12 ft.	30 ft.	14 ft.	
	2	60,001 to 250,000 sq. ft.	12 ft.	30 ft.	14 ft.	
Use: <ul style="list-style-type: none"> ■ Commercial entertainment indoor ■ Commercial entertainment—outdoor ■ Major event entertainment ■ Recreation and cultural community services ■ Nonprofit membership assembly ■ Religious assembly ■ Medical centers/hospitals ■ Emergency services ■ Funeral and cremation services ■ General repair services ■ Agriculture and forestry services 	Additional Spaces Required	Greater than 250,000 sq. ft.	12 ft.	30 ft.	14 ft.	For each additional 100,000 square feet, or any portion thereof, of building area over 250,000 sq. ft., 1 additional loading space is required.

- (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.

Response: One off-street loading space is required for the planned project based on Table 806-11 above. The Preliminary Site Plan within Exhibit A includes a drop-off area at the primary

building entrance to functionally meet City loading space requirements. This standard is met.

Section 806.080 Off-street loading development standards

Unless otherwise provided under the UDC, off-street loading shall be developed and maintained as set forth in this section.

- (a) *Location.* Off-street loading areas shall not be located within required setbacks.

Response: The off-street loading area shown on the Preliminary Site Plan within Exhibit A is not located in a setback. This standard is met.

- (b) *Perimeter setbacks and landscaping.* Perimeter setbacks and landscaping, as set forth in this subsection, shall be required for off-street loading areas abutting streets and abutting interior front, side, and rear property lines. Perimeter setbacks and landscaping are not required for off-street loading areas abutting an alley.

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

(2) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, off-street loading areas 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 landscaping standard of SRC chapter 807.

Response: The off-street loading area shown on the Preliminary Site Plan within Exhibit A does not abut a street or interior front, side, and rear property lines. These perimeter setbacks and landscaping standards do not apply.

- (c) *Dimensions.* Loading areas shall conform to the minimum dimensions set forth in Table 806-11.

Response: As discussed further above, the included loading area complies with the dimensions set forth in Table 806-11. This standard is met.

- (d) *Maneuvering.* Off-street loading areas shall be of sufficient size, and all curves and corners of sufficient radius, to accommodate the safe operation of a delivery vehicle.

Response: The off-street loading area can be accessed from the drive aisles looping around the planned hotel, which does not necessitate any turnaround. The delivery vehicle can safely maneuver through the site. This standard is met.

- (e) *Surfacing.* All loading areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, paving is not required for:

- (1) Temporary and seasonal gravel loading areas, approved pursuant to SRC chapter 701.
(2) Gravel loading areas, approved through a conditional use permit.

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

Response: The loading area will be surfaced with a hard surface material, adequately designed, graded, drained, and signed to meet applicable Public Works Design Standards. These standards are met.

- (g) *Lighting.* Lighting for off-street loading 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: As shown on the Photometric Plan within Exhibit D, lighting for the off-street loading area will not cast glare onto the street. This standard is met.

CHAPTER 807 – LANDSCAPING AND SCREENING

Section 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: Interior landscaping is provided for the parking area per SRC 806.035(d). No reference to a specific landscaping type is provided; therefore, the Type A standard is detailed below. This requirement is met.

- (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: Required landscaping for this project amounts to ±40,706 square feet between interior parking lot landscaping and perimeter landscaping. Based on Table 807-1 above, Type A landscaping requires 1 PU per 20 square feet of required landscaping ($40,706 / 20 = 2,035$ PU). The Preliminary Landscape Plan within Exhibit A includes the proposed plant unit values for the planned project, which equates to 2,204 plant units, exceeding the requirement. Additionally, the stormwater facility will be planted to City standards, which will further exceed this requirement. This standard is met.

- (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: Existing trees and vegetation are being preserved to the greatest extent possible. The Preliminary Tree Preservation and Removal Plan within Exhibit A shows 26 trees being preserved.

- (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.

Response: The Preliminary Tree Preservation and Removal Plan within Exhibit A shows three trees being removed, none of which are within a setback. This requirement does not apply.

- (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: The Preliminary Tree Preservation and Removal Plan within Exhibit A shows 26 trees being preserved and three being removed, or less than 75 percent. This requirement is met.

(...)

- (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: Berms are not planned to provide screening. This standard does not apply.

- (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: Ten street trees are provided along Kettle Court SE, a local private street, to meet this criteria.

Section 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:

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- (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: The Preliminary Plans included as Exhibit A satisfy the above submittal requirements. These standards are met.

Section 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: This requirement is understood and can be met.

Section 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: This requirement is understood and can be met.

Section 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: These requirements are understood and can be met.

Section 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: Where applicable on-site, a permanent underground irrigation system will be provided for all landscaped areas for the establishment of long-term health of plant material. The irrigation system will be designed by the landscape contractor using current water-saving technology necessary for the complete and efficient coverage of landscape areas. The above standards can be met.

Section 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: The Preliminary Landscape Notes and Details within Exhibit A provide a statement that the owner will be responsible for maintaining all landscape material in good condition. These standards can be met.

CHAPTER 808 – PRESERVATION OF TREES AND VEGETATION

Section 808.030 Tree and vegetation removal permits

- (a) *Applicability.*
 - (1) Except as provided in subsection (a)(2) of this section, no trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be removed unless a tree and vegetation removal permit has been issued pursuant to this section.
 - (2) Exceptions. A tree and vegetation removal permit is not required for the removal of trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 when the removal is:
 - (N) Removal of trees on a lot or parcel 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, and the removal does not result in:
 - (i) Removal of more than five trees or 15 percent of the trees, whichever is greater, within a single calendar year;
 - (ii) Removal of more than 50 percent of the trees within any five consecutive calendar years; and
 - (iii) Removal of heritage trees, significant trees, and trees in riparian corridors;

Response: The planned improvements do not include the removal of any heritage or significant trees protected under SRC 808.015, 808.020, or 808.025. Further, the planned project qualifies for an exception under subsection 808.030(a)(2)(N), as only three trees will be removed as a result of the planned project, none of which are within the riparian corridor of Mill Creek. These requirements are not applicable.

CHAPTER 809 – WETLANDS

Sec. 809.015. Notification of identification; request for redesignations; delineations.

- (a) Each property owner whose property contains a wetland which is identified under SRC 809.010, and each person owning property within 100 feet of such affected property, shall receive written notice of such designation. The notice shall contain the following:
 - (1) A description of the affected property;
 - (2) A statement that a wetland exists on the property, with a map of the approximate location of the wetland, which has been subject to evaluation and identification as locally significant or non-significant;
 - (3) A statement that such identification was performed according to the requirements of the Oregon Division of State Lands and the Department of Land Conservation and Development pursuant to ORS 197.279(3)(b);
 - (4) A statement that the wetlands may be subject to local, state, or federal regulation; and

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- (5) The name and contact information for the staff person for additional information.
- (b) Any property owner who receives notice under subsection (a) of this section may file a request for redesignation or delineation with the Director within 90 days of the date the notice is issued. No redesignation shall occur unless the property owner can show, using the best available information, that the designation fails to satisfy the criteria for local significance under SRC 809.010(a) or SRC 809.010(b). No adjustment to the official wetlands map based on a delineation shall be made unless the delineation has been approved by the Oregon Division of State Lands.

Response: These notification procedures are understood. Additionally, a wetland delineation is included as Exhibit F and delineated wetlands are shown throughout in Exhibit A.

Sec. 809.025. Required notification of the Oregon Division of State Lands.

Within five working days of receiving a completed application for development or land use in an area designated as a wetland on the official wetlands map, the City shall:

- (a) Send a wetland land use notification form to the Division of State Lands of any application for development or land use in an area designated as a wetland on the official wetlands map; and
- (b) Send a letter to the applicant, and, if different, the owner of the real property, and the watershed council functioning in the area within which the wetland lies, stating that Division of State Lands is being notified, along with a copy of the completed wetland land use notification form.

Response: These provisions are not directed at the Applicant, but rather to City staff.

CHAPTER 810 – LANDSLIDE HAZARDS

Section 810.005 Applicability

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

Response: According to the City's adopted landslide hazard susceptibility maps, there are two small areas of site within mapped landslide hazard located at the northwestern corner of the site. However, these areas are not located within a portion of the site planned for development; therefore, a geologic assessment is not required and the provisions of this chapter do not apply.

CHAPTER 900 – SIGN CODE

Section 900.025 Sign permits

- (a) *Applicability.* Except as otherwise provided in this chapter, a sign permit is required for the construction, erection, enlargement, alteration, relocation, or repair of any permanent or temporary sign.
- (b) *Procedure type.* An application for a sign permit is a Type I procedure under SRC chapter 300.
- (c) *Additional submittal requirements.* In addition to the submittal requirements under SRC chapter 300, an application for a sign permit shall contain:
- (1) The location of the sign by street and number.
 - (2) The name and address of the sign owner and of the sign erector.
 - (3) Plans for the sign, in a graphic form, detailed and clear enough to show compliance with this chapter. At a minimum, the plans shall include:
 - (A) A detailed drawing of the sign, drawn to scale.
 - (B) Site plan drawn to scale, including location of all existing signs on the property and their sizes.

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- (C) Elevations of the building or structure with signs.
 - (D) Identification of materials and type of sign.
 - (E) A statement whether the sign is located on property owned or leased by the person constructing, erecting, or using the sign.
- (d) *Criteria.* An application for a sign permit shall be granted if the following criteria are met:
- (1) The sign meets the requirements of SRC chapter 56.
 - (2) The sign is allowed in the zone.
 - (3) The sign will not interfere with the use of any public right-of-way, other public easements, or other publicly owned property.
 - (4) The sign conforms to all the applicable standards in this chapter.
- (e) *Expiration.* Sign permits shall be valid for 180 days after the date of issuance. The Director may grant a maximum of two extensions for a sign permit, not to exceed 180 days each, upon showing that there was reasonable cause for the delay and that the construction, erection, alteration, or other work still complies with this chapter.
- (f) *Permit fees.* The application for a sign permit shall be accompanied by a fee as prescribed by resolution of the Council.

Response: As shown on the Preliminary Site Plan within Exhibit A and the Architectural Plans within Exhibit B, four wall signs and one freestanding sign are included with this application. Applicable approval criteria is addressed below.

Section 900.110 Freestanding Signs

- (a) *Setbacks.*
- (1) Freestanding signs shall have a setback of not less than three feet from the street front property line, unless the property is subject to a special setback area, in which case the freestanding sign shall be setback not less than three feet from the special setback area. If authorization has been granted to place a freestanding sign in the special setback area or the public right-of-way, then no setback shall apply from the street front property line.

Response: As shown on the Preliminary Site Plan within Exhibit A, one freestanding sign is planned in the northeast corner of the subject property along Kettle Court SE and will be set back more than 3 feet from the front lot line. This standard is met.

- (b) *Structure.*
- (1) A freestanding sign shall be directly supported by poles or a foundation.
 - (2) No external cross braces, guy wires, "T" frames, "A" frames, "trusses," or similar bracing systems shall be used in constructing freestanding signs. Nothing in this subsection prohibits the use of standardized outdoor advertising structures and stringers customarily used for the support of sections of the display surface.

Response: The planned freestanding sign is depicted on the Preliminary Site Plan within Exhibit A and will be supported by a foundation. These standards are met.

Section 900.130 Wall Signs

- (a) *Height.*
- (1) Wall signs may project above the higher of the eave line, roof line, or top of the parapet a distance equal to one-third of the height of the sign or three feet, whichever is less.
 - (2) Wall signs attached to a canopy or marquee shall not exceed 30 inches in height.

Response: The Architectural Plans within Exhibit B show wall signs located on each building face that do not project above the roof line and do not exceed 30 inches in height.

(b) Structure.

- (1) The supporting structure for any wall sign shall be completely enclosed so as not to be visible from any public street, alley, or adjacent property.
- (2) No external braces, guy wires, "A" frames, or similar bracing system shall be used in constructing a wall sign.
- (3) Wall signs may be installed on mansard roofs of 30 degrees or less, if they are installed vertically, and if the supporting structure is completely enclosed so as not to be visible from any public street, alley, or adjacent property.

Response: The supporting structure is not visible and does not include any external braces or guy wires. These standards are met.

(c) Clearance.

(...)

- (2) No portion of a wall sign attached to a canopy or marquee shall extend below the canopy or marquee.

Response: No portion of the wall sign extends below the canopy or marquee. This standard is met.

Section 900.175 Permanent Signs in the Retail Commercial (CR), General Commercial (CG), Mixed-Use (MU-III), Employment Center (EC), Industrial Commercial (IC), Industrial Business Campus (IBC), Industrial Park (IP), And General Industrial (IG) Zones.

The following permanent signs are allowed in the Retail Commercial (CR), General Commercial (CG), Mixed Use (MU-III), Employment Center (EC), Industrial Commercial (IC), Industrial Business Campus (IBC), Industrial Park (IP), and General Industrial (IG) zones.

(...)

- (c) *Non-residential uses.* When the primary use of a building is for a standalone non-residential use, the following signs are allowed:

- (1) One freestanding sign, one projecting sign, one roof sign, or one wall sign per street frontage. When the development site is located on a corner lot, only one freestanding sign shall be allowed.

(A) Freestanding signs.

- (i) *Height.* The height of a freestanding sign shall not exceed 20 feet for up to the first 100 feet of street front property line, plus an additional one foot in height for each 20 feet of street front property line over 100 feet, with a maximum height not exceeding 30 feet.
- (ii) *Area.* The display surface of a freestanding sign shall not exceed one square foot per linear foot of street front property line up to the first 100 square feet of display surface, plus an additional one-quarter square foot of display surface for each additional one foot of street front property line over 100 feet, with a maximum display surface not exceeding 150 square feet.

Response: One freestanding sign is included in the northeast corner of the site and does not exceed 20 feet in height. The area of the sign will not exceed 150 square feet in size as shown on the Preliminary Site Plan within Exhibit A. These standards are met.

(B) Wall signs.

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- (i) The display surface for a wall sign shall not exceed 125 square feet.

Response: Section 900.175(c)(1) allows one wall sign per street frontage. In this case, the subject property has two street frontages; therefore, two wall signs may be permitted in accordance with SRC 900.175(c)(1)(B)(i). As shown on the Architectural Plans within Exhibit B, the wall signs facing both State Street and Kettle Court SE will each be less than 125 square feet in size. This standard is met.

- (2) Any number of additional wall signs on each building, provided the total display surface of all wall signs allowed under this subsection does not exceed the maximum display surface set forth in Table 900-7.

Response: One additional wall sign will be included on the south portion of the building that does not face a street. Subsection (c)(2) requires additional wall signs to be less than 125 square feet combined. As shown on the Architectural Plans within Exhibit B, the additional wall sign not facing State Street or Kettle Court SE will be less than 125 square feet in size. This standard is met.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate the application is consistent with the applicable provisions of the Salem Revised Code. The evidence in the record is substantial and the City can rely upon this information to approve the application.

Exhibit A: Civil Preliminary Plans

Exhibit B: Architectural Plans

Exhibit C: Trip Generation Estimate

Exhibit D: Photometric Plan

Exhibit E: Title Report

Exhibit F: Wetland Delineation

Exhibit G: Neighborhood Association Contact Letter
