

August 23, 2024

Peter Domine, Planner II  
City of Salem Community Development Planning Division  
555 Liberty Street SE, Room 305  
Salem, OR 97301

**RE: 3010 Kettle Court SE – (Reference No. 24-114030-PLN) Completeness Response**

Mr. Domine,

Please accept this letter and the accompanying materials as Applicant's response to the City's August 6, 2024, first review comments letter regarding application 24-114030-PLN (Attachment A). We believe the materials provided here fully respond to the items outlined in the City's letter and establish the necessary basis to deem the application complete. We look forward to continuing to work with City staff on any issues, as necessary, during the review and approval process.

Our responses to the incompleteness items are as follows:

#### **Completeness Items**

1. **Signed Land Use Application.** *A signed land use application by the owner or duly authorized representative.*

**Response:** A copy of the signed Land Use Application Form is included as Attachment B.

2. **Floodplain Development.** *In accordance with SRC 220.005(e)(1)(B)(iii) the applicant shall show the regulatory floodplain on the subject property. Development within the floodplain requires a floodplain development permit subject to the requirements of SRC 601 at time of Building Permit. The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined the 100-year base flood elevation for the subject development is 189.2-feet (NGVD 29). The proposed building shall have a minimum lowest floor elevation of 190.2-feet (NGVD 29)*

**Response:** Sheets P4 through P8 show and label the floodplain. Sheet P7 shows the Finished Floor Elevation (FFE) for the building at 190.25, which is higher than 190.2. This item is complete.

3. **Stormwater Management and/or Design Exception.** *The application does not provide sufficient details to identify how the site is compliant with SRC 71, specifically the requirements for Green Stormwater Infrastructure (GSI) pursuant to Public Works Design Standards (PWDS) Appendix 4E. The applicant shall provide a storm drainage system that provides treatment and flow control as required by the 2014 PWDS.*

**Response:** Sheet P7 includes the Stormwater Area Note, which describes that 10% of the new impervious area is dedicated for GSI stormwater facilities to meet flow control and treatment performance standards per PWDS section 4E.6 and SRC Chapter 71. This item is complete.

## Advisory Comments

### Chapter 86 – Trees on City Owned Property

4. **Street Tree Removal.** *The application is proposing Disturbance within the critical root zones for trees 10325, 10326, and 10327. Additional information is needed regarding the disturbance for these street trees, including technique used for running the utility line and hose close the disturbance will be for each tree. This information will be required at time of Building Permit. If impacts to existing street trees necessitate their removal, a Street Tree Permit will be required prior to issuance of a Building Permit. The applicant may contact Zach Diehl in Development Services with any questions regarding the street tree removal process at 503-588-6211 ext.7435, or via email at ZDiehl@cityofsalem.net.*

**Response:** The applicant understands this requirement. Additional information will be developed as construction drawings are developed. No updates required at this time.

### Chapter 800 – General Development Standards

5. **TSP / Parks Path Alignment.** *There is a mapped Parks Master Plan off-street shared use path identified on the subject property. Pursuant to SRC 800.065(a)(4) the applicant shall dedicate a minimum 15-foot easement for the path. Parks System Master Plan identifies a trail alignment on the subject property along Mill Creek. No abutting sections have been complete. 15-foot trail easement required parallel to eastern limits of the AR floodway boundary. Not identified on plans.*

**Response:** This easement is now shown 15' east of the floodway boundary. See sheet P1 for location relative to subject property. This item is complete.

### Chapter 802 – Public Improvements

6. **Open Channel / Drainage Easements.** *Pursuant to SRC 802.030 and Public Works Design Standards (PWDS) 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either the 100-year floodway boundary, 15-feet from the channel centerline, or 10-feet from the top of the recognized bank, whichever is greatest. The applicant is advised to show the required easement on the site plan.*

**Response:** This easement is now shown as the floodway boundary, as it is the greatest of the three measurements. See sheet P1 for location relative to subject property. This item is complete.

### Chapter 803 – Streets and Right-of-Way Improvements

6. **Streetscape Improvements.** *Pursuant to SRC 803.020(b)(2) private streets shall conform to SRC Chapter 803 and the Public Works Design Standards. The applicant proposes streetscape improvements that do not conform to these standards. The applicant is proposing a street design that does not conform to local street standards. The application shall include findings for*

*alternative street standards pursuant to SRC 803.065(a) or be revised to comply with the standards.*

- *Landscape Strips: SRC 803.035(p) requires landscape strips for street trees. The Public Works Design Standards require an 8-foot landscape strip for local streets (PWDS 6.2(a)). The applicant is not proposing a landscape strip along Kettle Court SE, where it is required.*
- *Sidewalk Location: SRC 803.035(l)(2)(A) requires sidewalks be located one foot from the adjacent right-of-way. Curblin sidewalks are proposed along Kettle Court SE. Applicant's statement indicates existing PGE easement prevents trees from being planted in PUE, however, evidence of the easement and restriction has not been provided.*

**Response:** An alternative street standard to allow a 6' meandering sidewalk and 6' landscape strip is requested. SRC responses to 803.065(a) are included in Attachment C. PGE easement guidelines and legal description are included in attachment D and attachment E. This item is complete.

#### Chapter 806 – Off-Street Parking

7. **Interior Parking Landscaping.** *Per SRC 806.035(d)(1)(3), the interior parking area landscaping requires one deciduous tree for every 12 parking spaces within the off-street parking area. There are a proposed 102 parking spaces, requiring 9 trees ( $102 / 12 = 8.5$ ); the plans show 7 trees within the parking area (i.e., in planter islands between parking spaces, not counting trees along the perimeter).*

**Response:** There are a total of 7 trees within the parking lot area. There are 3 trees at the end of the parking aisles that are being considered interior parking lot trees for a total of 10 trees. This has been allowed in the past and is being used for parking lot canopy/shade. This item is complete.

8. **Standards for New off-street parking areas more than 1.2 acre.** *The application does not meet the standards of SRC 806.035(n)(3)(B):*

- *The trees proposed for canopy coverage are not an approved type in Table 806-7.*
- *Trees are to be either a small (35-foot canopy) or large (50-foot canopy) type, per Table 806-7. The plans measure about 45-foot canopies.*
- *Plans do not include soil amounts, per Table 806-7*
- *To count toward the canopy coverage, trees are to be planted in clusters of three (i.e., within the same bed to provide continuous canopy coverage).*

*\*Note: Plans do appear to meet minimum 40% canopy coverage.*

**Response:** The trees proposed for canopy coverage have been updated to the Accolade Elm which is on the approved large tree list. The Accolade Elm tree canopy has been updated to be 50-foot in diameter. Sheet P11 has been added to show the required canopy shade and soil volume. The trees provided for canopy coverage are planted in clusters to provide continuous canopy/shade. These items are complete.

9. **Development Standards for Vehicle Use Areas.** *Per SRC 806.035(j), along the parking spaces abutting the perimeter walkway of the building's south side, bumper guards or wheel barriers are*

*required so that no portion of a vehicle will overhang or project into the required pedestrian accessway. The perimeter accessway may also be expanded to seven feet to accommodate vehicle overhang.*

**Response:** Sidewalks in these areas have been widened to 7' to account for 2' of bumper overhang and 5' pedestrian walkway. This item is complete.

#### *Chapter 809 – Wetlands*

7. **Wetlands and/or Hydric Soils.** *There are Salem-Keizer Local Wetland Inventory linear channel wetlands and/or hydric soils mapped on the subject property. The applicant is required to verify mapped wetland area(s). Once the application is deemed complete, Wetlands Notice to the Department of State Lands, as required by SRC 809.025.*

*Note: DSL concurrence WD#2024-0178 was issued July 2024 for the subject property. Based on the plans submitted, it appears there will be impacts to wetlands. Notice will be sent to DSL to determine State permitting requirements for the proposed development.*

**Response:** Concurrence aligns with the wetlands shown on the preliminary civil engineering plans. Perimeter controls can be installed without wetland impacts. Therefore, no wetland permitting is anticipated or proposed with this project. This item is complete.

Sincerely,

**Tyler D. Roth, PE**  
**Senior Associate**

**AKS ENGINEERING & FORESTRY, LLC**



**Attachments:**

- A. Land Use Application Completeness Review (August 6, 2024)
- B. Land Use Application Form
- C. Response to Alternative Street Standards Criteria
- D. PGE Right-of-Way Guidelines
- E. PGE Right-of-Way Easement Area Legal Description

**Attachment A:** Land Use Application Completeness Review (Reference No. 24-114030-PLN)





555 Liberty Street SE / Room 305 • Salem OR 97301-3503 • Phone 503-588-6213 • Fax 503-588-6025  
www.cityofsalem.net/planning • www.cityofsalem.net

August 6, 2024

## LAND USE APPLICATION - COMPLETENESS REVIEW

### Project Information

<b>Subject Property:</b>	3010 Kettle Court SE
<b>Reference Number:</b>	24-114030-PLN
<b>Application Type:</b>	Class 3 Site Plan Review, Class 1 Adjustment
<b>Date Application Accepted:</b>	July 8, 2024
<b>Applicant:</b>	AKS Engineering and Forestry <a href="mailto:salemadmin@aks-eng.com">salemadmin@aks-eng.com</a>

### Staff Contact

<b>Land Use Planner:</b>	Peter Domine, Planner II <a href="mailto:pdomine@cityofsalem.net">pdomine@cityofsalem.net</a> / 503-540-2311
<b>Infrastructure Planner:</b>	Aaron Panko, Infrastructure Planner III <a href="mailto:apanko@cityofsalem.net">apanko@cityofsalem.net</a> / 503-588-6173 #2356

### Land Use Review Comments

**Prior to deeming your applications complete, modifications and/or additional information must be provided to address items detailed below.**

**Applicant should provide a response in the last column for each item or indicate if the item is not being provided. Items not addressed or provided may result in conditions of approval or denial of the land use application.**

Your application, which is incomplete, will be deemed complete upon receipt of one of the following:

- (1) All of the missing information.
- (2) Some of the missing information and written notice from you (the applicant) that no other information will be provided.
- (3) Written notice from you (the applicant) that none of the missing information will be provided.

**You have 180 days (January 4, 2025) from the date the application was first submitted (July 8, 2024) to respond in one of the three ways listed above, or the application will be deemed void.**

The Salem Revised Code may be accessed online at the following location:  
<https://www.cityofsalem.net/government/laws-rules/salem-revised-code>

### **Completeness Review Items**

**Submittal Requirements** – The following items have been identified as required material to be provided by the application(s) prior to deeming the application “complete”:

<b>Submittal Requirement</b>	<b>Description</b>	<b>Applicant Response</b> <i>i.e., Written Response, Submitted, Not Providing</i>
<b>Signed land use application</b>	A signed land use application by the owner or duly authorized representative	
<b>Floodplain Development</b>	In accordance with SRC 220.005(e)(1)(B)(iii) the applicant shall show the regulatory floodplain on the subject property. Development within the floodplain requires a floodplain development permit subject to the requirements of SRC 601 at time of Building Permit.  The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined the 100-year base flood elevation for the subject development is 189.2-feet (NGVD 29). The proposed building shall have a minimum lowest floor elevation of 190.2-feet (NGVD 29).	
<b>Stormwater Management and / or Design Exception</b>	The application does not provide sufficient details to identify how the site is compliant with <a href="#">SRC 71</a> , specifically the requirements for Green Stormwater Infrastructure (GSI) pursuant to <a href="#">Public Works Design Standards (PWDS) Appendix 4E</a> . The applicant shall provide a storm drainage system that provides treatment and flow control as required by the 2014 PWDS..	

### **Advisory Comments**

**Items of Concern** - The following items are not listed in the SRC as specific requirements for a complete application; however, are advisories that address areas of concern on the application. **Failure to address advisory comments could result in condition of approval or denial of the application(s).**

<b>Item</b>	<b>Description</b>	<b>Applicant Response</b> <i>i.e., Written Response Submitted, Not Providing</i>
<b>Chapter 86 – Trees on City Owned Property</b>		
<b>Street Tree Removal</b>	The application is proposing Disturbance within the critical root zones for trees 10325, 10326, and 10327. Additional information is needed regarding the disturbance for these street trees, including technique used for running the utility line and hose close the disturbance will be for each tree. This information will be required at time of Building Permit. If impacts to existing street trees necessitate their removal, a Street Tree Permit will be required prior to issuance of a Building	



	Permit. The applicant may contact Zach Diehl in Development Services with any questions regarding the street tree removal process at 503-588-6211 ext.7435, or via email at <a href="mailto:ZDiehl@cityofsalem.net">ZDiehl@cityofsalem.net</a> .	
<b>Chapter 800 – General Development Standards</b>		
<b>TSP / Parks Path Alignment</b>	<p>There is a mapped Parks Master Plan off-street shared use path identified on the subject property. Pursuant to <a href="#">SRC 800.065(a)(4)</a> the applicant shall dedicate a minimum 15-foot easement for the path.</p> <p>Parks System Master Plan identifies a trail alignment on the subject property along Mill Creek. No abutting sections have been complete. 15-foot trail easement required parallel to eastern limits of the AE floodway boundary. Not identified on plans.</p>	
<b>Chapter 802 – Public Improvements</b>		
<b>Open Channel / Drainage Easements</b>	Pursuant to <a href="#">SRC 802.030</a> and <a href="#">Public Works Design Standards (PWDS) 1.8(d)</a> , the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either the 100-year floodway boundary, 15-feet from the channel centerline, or 10-feet from the top of the recognized bank, whichever is greatest. The applicant is advised to show the required easement on the site plan.	
<b>Chapter 803 – Streets and Right-of-Way Improvements</b>		
<b>Streetscape Improvements</b>	<p>Pursuant to <a href="#">SRC 803.020(b)(2)</a> private streets shall conform to SRC Chapter 803 and the Public Works Design Standards. The applicant proposes streetscape improvements that do not conform to these standards. The applicant is proposing a street design that does not conform to local street standards. The application shall include findings for alternative street standards pursuant to <a href="#">SRC 803.065(a)</a> or be revised to comply with the standards.</p> <ul style="list-style-type: none"> <li>• Landscape Strips: <a href="#">SRC 803.035(p)</a> requires landscape strips for street trees. The Public Works Design Standards require an 8-foot landscape strip for local streets (<a href="#">PWDS 6.2(a)</a>). The applicant is not proposing a landscape strip along Kettle Court SE, where it is required.</li> <li>• Sidewalk Location: <a href="#">SRC 803.035(l)(2)(A)</a> requires sidewalks be located one foot from the adjacent right-of-way. Curblin sidewalks are proposed along Kettle Court SE. Applicant's statement indicates existing PGE easement prevents trees from being planted in PUE, however, evidence of the easement and restriction has not been provided.</li> </ul>	
<b>Chapter 806 – Off-street Parking</b>		
<b>Interior Parking Landscaping</b>	Per SRC 806.035(d)(1)(3), the interior parking area landscaping requires one deciduous tree for every 12 parking spaces <i>within</i> the off-street parking area. There are a proposed 102 parking spaces, requiring 9 trees ( $102 / 12 = 8.5$ ); the plans show 7 trees within the	

	parking area (i.e., in planter islands between parking spaces, not counting trees along the perimeter).	
<b>Development standards for vehicle use areas</b>	Per SRC 806.035(j), along the parking spaces abutting the perimeter walkway of the building's south side, bumper guards or wheel barriers are required so that no portion of a vehicle will overhang or project into the required pedestrian accessway. The perimeter accessway may also be expanded to seven feet to accommodate vehicle overhang.	
<b>Standards for new off-street parking areas more than ½ acre</b>	<p>The application does not meet the standards of SRC 806.035(n)(3)(B):</p> <ul style="list-style-type: none"> <li>• The trees proposed for canopy coverage are not an approved type in Table 806-7.</li> <li>• Trees are to be either a small (35-foot canopy) or large (50-foot canopy) type, per Table 806-7. The plans measure about 45-foot canopies.</li> <li>• Plans do not include soil amounts, per Table 806-7</li> <li>• To count toward the canopy coverage, trees are to be planted in clusters of three (i.e., within the same bed to provide continuous canopy coverage).</li> </ul> <p><i>*Note: Plans do appear to meet minimum 40% canopy coverage.</i></p>	
<b>Chapter 809 – Wetlands</b>		
<b>Wetlands and / or Hydric Soils</b>	<p>There are Salem-Keizer Local Wetland Inventory linear channel wetlands and/or hydric soils mapped on the subject property. The applicant is required to verify mapped wetland area(s). Once the application is deemed complete, Wetlands Notice to the Department of State Lands, as required by <a href="#">SRC 809.025</a>.</p> <p>Note: DSL concurrence WD#2024-0178 was issued July 2024 for the subject property. Based on the plans submitted, it appears there will be impacts to wetlands. Notice will be sent to DSL to determine State permitting requirements for the proposed development.</p>	

**Attachment B:** Land Use Application Form



**Planning/Permit Application Center**

City Hall  
555 Liberty St. SE, Room 320  
Salem OR 97301-3513  
503-588-6213 [planning@cityofsalem.net](mailto:planning@cityofsalem.net)

If you need the following translated in Spanish, please call 503-588-6256.  
Si usted necesita lo siguiente traducido en español, por favor llame 503-588-6256.

**Project Description**

a new 115-room hotel and 102-space parking area alongside outdoor amenity spaces and improvements  
Class 3 Site Plan Review

**Work site location and information**

Street address of or location of subject property	3010 KETTLE CT SE SALEM OR 97301
Size of property (acres)	<del>5.11</del> 5.12
Tax Lot Number	073W25D001700
Neighborhood Association	Southeast Salem Neighborhood Association (SESNA)

**People information**

Applicant	AKS ENGINEERING AND 3700 RIVER RD N STE 1 KEIZER OR 97303	503-400-6028 <a href="mailto:salemadmin@aks-eng.com">salemadmin@aks-eng.com</a>
Owner	Choice Hotels International	<a href="mailto:casey.germunder@choicehotels.com">casey.germunder@choicehotels.com</a> <a href="mailto:Casey.Gemunder@choicehotels.com">Casey.Gemunder@choicehotels.com</a>
Contact	HighSide Companies, LLC <del><a href="mailto:Miller@highsidecompanies.com">Miller@highsidecompanies.com</a></del>	<a href="mailto:Cohen@Highsidecompanies.com">Cohen@Highsidecompanies.com</a>

**Project information**

Total Project Valuation	<del>\$ 4,000,000.00</del> \$13,500,000.00
Site Area (Acreage)	<del>5.11</del> 5.12
Zoning	Industrial Park
Type of Plan Check	Commercial/Industrial
MS4 Reporting	Yes

**Land Use fees**

Description	Amount
Site Plan Review	\$7,084.00
Automation Surcharge	\$5.00
<b>Total Fees</b>	<b>\$7,089.00</b>

## **Terms and Conditions**

**Correct information:** I hereby certify I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not.

**Copyright release for government entities:** I hereby grant permission to the City of Salem to copy, in whole or part, drawings and all other materials submitted by me, my agents, or representatives. This grant of permission extends to all copies needed for administration of the City's regulatory, administrative, and legal functions, including sharing of information with other governmental entities.

**Indemnity:** I, the permit applicant, shall indemnify, defend and hold harmless the City of Salem, its officers, employees and agents from any and all claims arising out of or in connection with work done under this permit.

## **Authorizations**

- Property owners and contract purchasers are required to authorize the filing of this application and must sign below. This signed form must be uploaded with other review documents.
- If the applicant and/or property owner is a Limited Liability Company (LLC), please also provide a list of all members of the LLC with your application.
- All signatures represent that they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- I (we) hereby grant consent to the City of Salem and its officers, agents, employees, and/or independent contractors to enter the property identified above to conduct any and all inspections that are considered appropriate by the City to process this application.

This application was electronically submitted to the City of Salem Permit Application Center by **AKS ENGINEERING AND FORESTRY** (PersonID: 330590) on **June 28, 2024** at **4:39 PM**.

I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property:

--

I (we) certify that I (we) have read, understood, and confirm all the statements listed above and throughout the application form.

Authorized Signature: Casey Gemunder  
Casey Gemunder (Aug 16, 2024 15:50 EDT)

Printed Name: Casey Gemunder Date: Aug 16, 2024

Address (include ZIP): 915 Meeting Street, North Bethesda, MD 20852

Authorized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address (include ZIP): \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address (include ZIP): \_\_\_\_\_

(For office use only)		
Received by:	Date:	Receipt Number:






# Salem - Land Use Application Cover Letter

Final Audit Report

2024-08-16

Created:	2024-08-16
By:	Ben Cohen (cohen@highsidedevelopment.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGkVDs6ZN39VD-H6FCIERLbaYhcpfliNG

## "Salem - Land Use Application Cover Letter" History

-  Document created by Ben Cohen (cohen@highsidedevelopment.com)  
2024-08-16 - 7:29:08 PM GMT
-  Document emailed to Casey Gemunder (casey.gemunder@choicehotels.com) for signature  
2024-08-16 - 7:30:25 PM GMT
-  Email viewed by Casey Gemunder (casey.gemunder@choicehotels.com)  
2024-08-16 - 7:48:50 PM GMT
-  Document e-signed by Casey Gemunder (casey.gemunder@choicehotels.com)  
Signature Date: 2024-08-16 - 7:50:11 PM GMT - Time Source: server
-  Agreement completed.  
2024-08-16 - 7:50:11 PM GMT



**Attachment C:** Response to Alternative Street Standards Criteria





Chapter 803 Streets and Right-of-Way Improvements

803.065. - Alternative street standards.

- (a) The Director may authorize the use of one or more alternative street standards:
  - (1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;
  - (2) Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or
  - (3) Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.
- (b) Authorization of an alternative street standard may require additional or alternative right-of-way width, easements, and improvements to accommodate the design and construction using the alternative standard.

**Response:** An alternative street standard is requested to avoid unnecessary impacts to existing PGE services and poles. The PGE easement language limits placement of trees over their utility lines. Therefore, curb tight sidewalk at various portions of the project frontage is proposed to limit applicable impacts. The existing 20' road agreement may need to be modified to include the sidewalk and planter landscaping.

**Attachment D:** PGE Right-of-Way Guidelines



# PGE Right-of-way use – general guidelines

Providing you with safe, reliable and affordable energy is our top priority. Easements and Portland General Electric Company (PGE) rights-of-way (ROW) help ensure the safety of our customers and protect our equipment from any damage or alterations. These guidelines provide a general overview of easements and rights-of-way. If you have any questions that aren't answered in this document, feel free to reach out to our Property Rights team at [propertyrights@pgn.com](mailto:propertyrights@pgn.com).

Before making improvements, alterations or building any structure within PGE's right-of-way, our Property Rights team will need to review and provide written approval for all proposals. This may include but is not limited to lighting, landscaping, excavation, road construction and fencing. The drawings you submit will need to indicate the location of PGE's right-of-way and the location of all towers and/or poles in that defined area.

**PGE's ROW generally prohibited uses** (exceptions may apply after internal review and approval by PGE Engineering)

For safety reasons, the following types of structures and activities are generally **not allowed within PGE's right-of-way**:

- Building structures of any type (permanent or temporary). This includes but is not limited to sheds, playground equipment, basketball courts, restrooms, picnic facilities such as shelters, tables and barbecues
- Grade cutting or filling
- Any changes to the ground level, by adding or removing for instance gravel, bark dust or soil
- Any vegetation with a maximum mature height of 15 feet or taller
- Any structure, obstruction or construction within 50 feet of a transmission structure
- Excavation within 50 feet of a transmission structure
- Burn piles/fires
- Fire arms including target shooting under, near or at utility equipment (poles/wires/transformers)

**PGE Right-of-way generally allowed uses** (exceptions may apply after internal review and approval by PGE Engineering)

## **Community gardens and dog parks**

The site of the garden or dog park cannot interfere with access to our existing structures.



### **Drain fields**

Drainage areas are to be placed at minimum of 50 feet away from any transmission structure. However, it is critical to address any safety concerns before the installation of drain fields (depending on the type of construction methods and equipment used). Drain fields need to be clearly marked and cannot impede access to the right-of-way.

### **Fencing**

Fencing is generally permitted in the right-of-way if they are non-metallic. In rare instances when metallic fencing is permitted, the fencing must be appropriately grounded by a licensed electrician according to the requirements established by the National Electrical Safety Code (NESC). Fencing surrounding transmission structures must maintain a minimum of eight feet (8') clearance between the fence and the legs or pole of the transmission structure. When the access to structures and/or right-of-way is obstructed by fencing, a gate allowing full access to our equipment is required. If the gate is lockable, we will need a code or key to the lock or install a PGE dual-lock system. Contact Property Rights at [propertyrights@pgn.com](mailto:propertyrights@pgn.com) to coordinate the dual-lock system which allows both parties to attach their own locks.

### **Irrigation systems**

Irrigation pipes should be kept horizontal to prevent contact with overhead wires. Water conducts electricity so never allow the irrigation system to spray water onto wires or towers. Center pivots near transmission lines need to have a good electrical ground at the pivot point.

### **Parking lots and roadways**

In general, roadways may cross PGE easements but not run parallel to transmission lines within the easement. As a precaution, all area street lighting structures must meet the clearances and grounding requirements as established by the NESC and PGE Safety Regulations.

### **Trails**

Trails need to be located at least 25 feet from transmission structures and any grade changes must be reviewed and given written approval by the Property Rights team at PGE.

### **Underground pipes and cables**

All pipes and cables must be at least a minimum of 50 feet away from all transmission structures. Pipes and conduits must be able to handle truck traffic. Metallic pipes need to be properly grounded and have appropriate corrosion protection.

### **Stormwater Facilities**

The facility may be permitted only if it's compatible with the current and any future configuration of PGE facilities, this includes taking into consideration any impacts on future environmentally sensitive lands such as protected wetlands. Contact Property Rights for review and written approval.

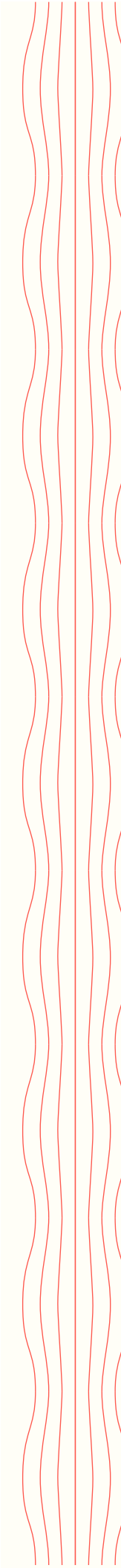
### **Trees and Logging**

Visit [portlandgeneral.com/trees](http://portlandgeneral.com/trees) or contact the PGE tree hotline at 800-544-1794 before cutting any trees or doing any logging within PGE's right-of-way.

### **Reminder**

Within the right-of-way, PGE has the right to erect, maintain, repair, rebuild, operate and inspect the following: power lines, telecommunication lines, structures and any kind of signals or communications (e.g. beacons for FAA requirements) and all uses directly or indirectly necessary to perform these operations.





As a property owner you can anticipate that existing utility lines and towers/poles may be modified, and additional lines and towers/poles may be added to the right-of-way. For safety reasons, no impediments may be added to the right-of-way that prevents maintenance vehicles from accessing the right-of-way at any point. Property owners who do not have authorized, written approval from PGE are responsible for the removal, restoration and/or relocation of alterations made to the right-of-way at their own expense.

These guidelines are intended for general information and can be subject to revisions as safety and other issues change. Certain jurisdictions do require a written approval from PGE before construction can begin on properties that overlap with PGE's right-of-way. This approval is often done as an encroachment agreement which outlines the permitted uses within the PGE right-of-way and is issued after review of detailed plans as outlined in the second paragraph.

To request a review and written approval of your proposal fill out the [PGE Property Rights request form](#) and email the completed form to [propertyrights@pgn.com](mailto:propertyrights@pgn.com).



**Attachment E:** PGE Right-of-Way Easement Area Legal Description





**Portland General Electric**  
121 SW Salmon Street · Portland, Ore. 97204

## ***EXHIBIT B***

### **EASEMENT AREA**

### **LEGAL DESCRIPTION**

A variable width strip of land in a portion of Parcel 1, Partition Plat Number 2016-051, Marion County Survey Records, as described in Deed Reel 3545, Page 319, Section 25, Township 7 South, Range 3 West, Willamette Meridian, Marion County, Oregon more particularly described as follows:

**BEGINNING** at a 5/8" iron rod with yellow plastic cap stamped "Barker PLS 636" marking the south line of Parcel 1, Partition Plat 2016-51 and the west line of Kettle Court SE?(Private) as set in Marion County Survey Record number 37594, being North 88°16'15" West 32.39 feet from centerline of said Kettle Drive; thence North 20°16'15" West, along a line monumented in said survey number 37594, 205.05 feet to a 5/8" iron rod with yellow plastic cap stamped "Barker PLS 636", set in said survey 37594; thence continuing northwesterly along said line, along a 330 foot radius curve to the right, for an arc distance of 134.22 feet, the chord of which bears North 8°37'08" West, 133.30 feet, thence North 42°47'45" West, 43.04 feet to the southerly right-of-way of State Street; thence South 88°37'30" East, along said right-of-way, 28.37 feet; thence continuing southeasterly along said State Street, along the arc of a 2,675 foot radius curve to the left, for an arc distance of 10.22 feet, the chord of which bears South 83°23'48" East, 10.22 feet to a non-tangent curve on the westerly margin of Kettle Court SE; thence leaving said State Street right-of-way, southeasterly along the arc of a 28.00 foot radius curve to the right, for an arc distance of 14.08 feet, the chord of which bears South 8°26'37" East, 13.93 feet to a point of reverse curvature; thence following a line 20 feet westerly of the centerline of said Kettle Court SE ? as shown in said Partition Plat 2016-051, the following courses: thence southeasterly along the arc of a 320.00 foot radius curve to the left, for an arc distance of 146.68 feet, the chord of which bears South 7°08'23" East, 145.40 feet to a point of tangency; thence South 20°16'15" East 209.10 feet to the southerly line of said Parcel 1; thence North 88°16'15" West, along said south line of Parcel 1, 10.82 feet to the **POINT OF BEGINNING**.

The above described strip of land contains 4,181 square feet more or less.

Bearings are based on Oregon State Plane Coordinate system NAD83(2011), epoch 2010.000.

The above described parcel is shown on Exhibit "C" attached hereto, which by reference thereto is made a part hereof.

STATE STREET

PP-9892

8' WIDE PGE EASEMENT  
PER MARION COUNTY DEED  
VOLUME 1281, PAGE 8000

S88° 37' 30"E  
28.37'

R=2675.00', L=10.22'  
CH=S83°23'48"E 10.22'  
Δ=0°13'08"

R=28.00', L=14.08'  
CH=S08°26'37"E 13.93'  
Δ=28°49'42"

N42° 47' 45"W  
43.04'

R=320.00', L=146.68'  
CH=S07°08'23"E 145.40'  
Δ=26°15'45"

R=330.00', L=134.22'  
CH=N08°37'08"W 133.30'  
Δ=23°18'16"

10.0'

KETTLE CT SE (PMT)

EASEMENT AREA=  
4,181 SQUARE FEET

## TAX LOT 1700

PARCEL 1, PARTITION PLAT 2016-051  
TAX MAP 7 3W 25D

### SURVEY NOTES

BOUNDARY LINES SHOWN HEREON WERE DEVELOPED FROM MARION COUNTY  
PARTITION PLAT 2016-051 AND ORIENTATED TO FOUND MONUMENTS AS SHOWN.

BEARINGS BASED ON OREGON STATE PLANE COORDINATE SYSTEM NAD83(2011)  
EPOCH 2010.0000.

POINT OF  
BEGINNING

N88° 16' 15"W

TAX LOT 1700  
TAX MAP 7 3W 36A

N88° 16' 15"W  
10.82'

S20° 16' 15"E

S20° 16' 15"E

S20° 16' 15"E

S20° 16' 15"E

S20° 16' 15"E

S20° 16' 15"E

S20° 16' 15"E

S20° 16' 15"E

S20° 16' 15"E

S20° 16' 15"E

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S20° 16' 15"E

S20° 16' 15"E

S20° 16' 15"E

### LEGEND



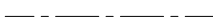
5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED  
"BARKER PLS 636" AS SET IN PARTITION PLAT 2016-51



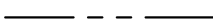
POWER JUNCTION BOX



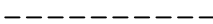
POWER VAULT



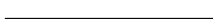
ROAD CENTERLINE



RIGHT-OF-WAY



EASEMENT



PROPERTY LINE



UNDERGROUND POWER LINE

PWR



Public

Access Not Limited



PORTLAND GENERAL ELECTRIC CO.  
121 SW SALMON ST. PORTLAND, OR 97204

**EXHIBIT C**  
**EASEMENT AREA**  
TAX LOT 1700, IN A PORTION OF  
SEC. 25, T. 7 S., R. 3 W., W.M.  
MARION COUNTY, OREGON

DRAWING NO.:

M3292245-01