



November 5, 2024

Jamie Donaldson, Planner III
City of Salem Community Development Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

RE: Highland Park Supplemental Information Letter (Reference No. 24-119550-PLN)

Jamie,

Please accept this letter and the accompanying materials as a supplement to the information provided by the Applicant's land use submission. The initial application omitted relevant findings of compliance with the Salem Revised Code (SRC) related to the windscreens planned for the north and south sides of the sports court fence at Highland Park, which are an integral part of the court user experience. Findings demonstrating compliance with the relevant SRC criteria are included in Attachment 1, including a Class 2 adjustment request.

A letter from a certified engineer is included as Attachment 2 and is intended to supplement the findings provided in the original written narrative for the alternative vision clearance standards request.

We believe the supplemental materials and findings provided herein fully respond to the SRC criteria applicable to the inclusion of the windscreens and a finding that vision clearance requirements are met. We look forward to continuing to work with City staff on any issues, as necessary, during the review and approval process. Please contact me if you require any additional information.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in black ink that reads 'Grace Wolff' in a cursive script.

Grace Wolff, Land Use Planner
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Attachments:

1. Supplemental Responses to SRC Criteria for Additional Adjustment
2. Engineer's Letter Demonstrating Vision Clearance Compliance
3. Manufacturer's Specifications for Tuffy Windscreens

SUPPLEMENTAL RESPONSES TO SRC CRITERIA FOR ADDITIONAL ADJUSTMENT
SALEM REVISED CODE: TITLE X – UNIFIED DEVELOPMENT CODE

Chapter 250—Adjustments Sec. 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: These supplemental findings seek a Class 2 adjustment to the opacity standard for fences in SRC Chapter 800, as it applies to the windscreen planned for the north and south sides of the Highland Park sports court fence. SRC 800.050(a)(1)(B)(i) requires any portion of a fence above 30 inches, when located within 10 feet of a property line, to be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence.

As shown on the Preliminary Plans in Exhibit A of the submitted land use application, a windscreen is planned for the north and south sides of the sports court fence. A portion of the northern fence is within 10 feet of the property line abutting Broadway Street NE and the southern fence is within 10 feet of the subject property line abutting Academy Street NE. The manufacturer's specifications for the planned windscreen indicate that the windscreen is ± 78 percent opaque which exceeds the allowed opacity by more than 20 percent (Attachment 3). Therefore, Applicant is requesting a Class 2 adjustment to this standard.

- (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

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- (K) The required landscaping in the Industrial Business Campus (IBC) Zone.

Response: No prohibited adjustments are requested. This requirement is met.

- (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;
- (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: All applicable information above is contained within Applicant's submitted application and written narrative. This application will be processed using a Type II procedure. These requirements are met.

- (d) Criteria.
- (...)
- (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

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- (A) The purpose underlying the specific development standard proposed for adjustment is:
- (i) Clearly inapplicable to the proposed development; or
 - (ii) Equally or better met by the proposed development.

Response: The purpose underlying the fence opacity standard in SRC 800.050(a)(1)(B)(i) is equally or better met by the project as detailed below.

Opacity standards for fences within yards abutting streets generally aim to provide a pedestrian friendly feel along sidewalks and ensure safe vision clearance along streets. The particular circumstances at Highland Park indicate that these goals can be equally or better met with the windscreens used as intended on the north and south sides of the sports court fence.

The addition of the windscreen to the sports court will substantially improve the user experience of the court. Improved user experience is likely to lead to more community use of the park, and this increased flow of people into the park will improve the overall pedestrian friendly feel in the area. The presence of more park users in the area will increase informal surveillance of the area and improve the safety and comfort of those using the park and nearby sidewalk facilities. Although the manufacturer's specifications indicate an opacity of ± 78 percent, photos of the windscreen product show that pedestrians and court users will still have some visibility through the screens (Attachment 3). Furthermore, the windscreens will only be applied to the north and south sides of the court, while the east and west sides of the court will consist of chain-link fencing without a windscreen which is nearly fully transparent. Substantial visibility into and out from the court is available even with the windscreens applied to the north and south sides. Based on these factors, the windscreens could enhance the pedestrian experience in and around Highland Park.

The goal of ensuring safe vision clearance along adjacent roads can also be met with the windscreens included on the north and south sides of the sports court. Applicant's consolidated land use application requested alternative vision clearance standards to apply the American Association of State Highway and Transportation Officials (AASHTO) standards for vision clearance. A stamped letter by a licensed engineer demonstrating compliance with the AASHTO standards is included with these supplemental findings (Attachment 2). When utilizing the AASHTO standards, adequate vision clearance is provided with the court in the planned location. As demonstrated by Exhibit A of the engineer's letter, no portion of the fence is within the AASHTO vision clearance area.

Both the pedestrian-feel and vision clearance goals of the SRC can be accomplished with the windscreens included on the sports court fence at Highland Park. This indicates that the intent of the fence opacity standard is equally or better met by the planned improvements. These criteria are met.

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- (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Response: The subject property is located in the Public Amusement (PA) zone. This criterion does not apply.

- (C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Response: Applicant's consolidated land use application requested two additional Class 2 adjustments including an adjustment to increase the maximum fence height within 10 feet of a property line abutting a street (SRC 800.050(a)(1)(B)(i)) and an adjustment for alternative vision clearance standards (SRC 805.005(a)(2)). All adjustments requested advance the goal of improving the sports court at Highland Park which aligns with the purpose of the PA zone of establishing public parks. The cumulative effect of these adjustments will remain consistent with the overall purpose of the PA zone.

- (e) Transfer of adjustments. Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

Response: This provision is understood.

Chapter 800—General Development Standards

Sec. 800.050—Fences, walls, hedges, gates, and retaining walls

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

- (a) Location, height, and density. Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.

(1) Fences and walls.

(...)

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

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

Response: As discussed above, a Class 2 adjustment to the opacity standard for fences within 10 feet of a property line is sought for the windscreen planned on the north and south sides of

the Highland Park sports court fence. The windscreens will greatly improve the user experience of the court and will ultimately advance the underlying goals of these standards. With the adjustment, this requirement is met.

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

Response: The planned fence is located within the vision clearance area defined in SRC chapter 805 and alternative vision clearance standards are requested with this consolidated land use application. See the attached engineer's letter confirming compliance with the alternative standards for vision clearance (Attachment 2).

- (c) Material.

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

Response: The planned fence will be chain-link coated in vinyl, which is customarily used for the enclosure of sports facilities like the planned improvements included in this application. The windscreen is an Aer-Flo Sports' Tuffy Windscreen (or approved equal) customarily applied to the fences of sports courts to reduce the interference of wind. This criterion is met.

ATTACHMENT 2



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WHITE SALMON, WA
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Date: 11/1/2024

To: Jamie Donaldson, Planner III
City of Salem Community Planning and Development Department
555 Liberty Road SE, Room 305
Salem, OR 97301

From: Tyler Roth, PE
AKS Engineering & Forestry, LLC
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Keizer, OR 97303
rotht@aks-eng.com



Project Name: Salem Multi-Use Sports Courts – Highland Park RENEWS: 12 / 31 / 24

AKS Job No.: 5218-19

Subject: Highland Park Sight Distance Analysis Memorandum

This memorandum is offered in response to the request from the City of Salem Community Planning and Development Department for Applicant to provide a letter stamped by an engineer that supports the application of an alternative vision clearance standard for the sports court at Highland Park (Application Reference No. 24-119550-PLN). This memorandum demonstrates that the planned sports court fence placement complies with commonly recognized engineering standards for sight distance.

SRC 805.005(a)(2) states that for a stop-controlled intersection “the vision clearance area shall have a 10-foot leg along the controlled street and a 50-foot leg along the uncontrolled street.” These distances are measured along the property line and are shown in yellow on Exhibit A. Using the vision clearance triangle established by SRC 805.005, a portion of the sports court and fence are within the vision clearance area. SRC 805.015 allows the use of alternative standards consistent with recognized traffic engineering standards to establish that adequate vision clearance is provided when the SRC vision clearance area cannot be met because of the physical characteristic of the property. Applicant requests that the American Association of State Highway and Transportation Officials (AASHTO) sight distance standards be utilized instead of the vision clearance standards established under SRC 805.005(a)(2) because moving the sports court out of the SRC vision clearance triangle would require the removal of existing trees and the creation of a substantial amount of the new impervious area.

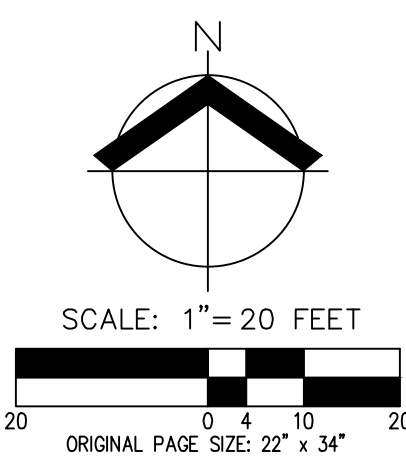
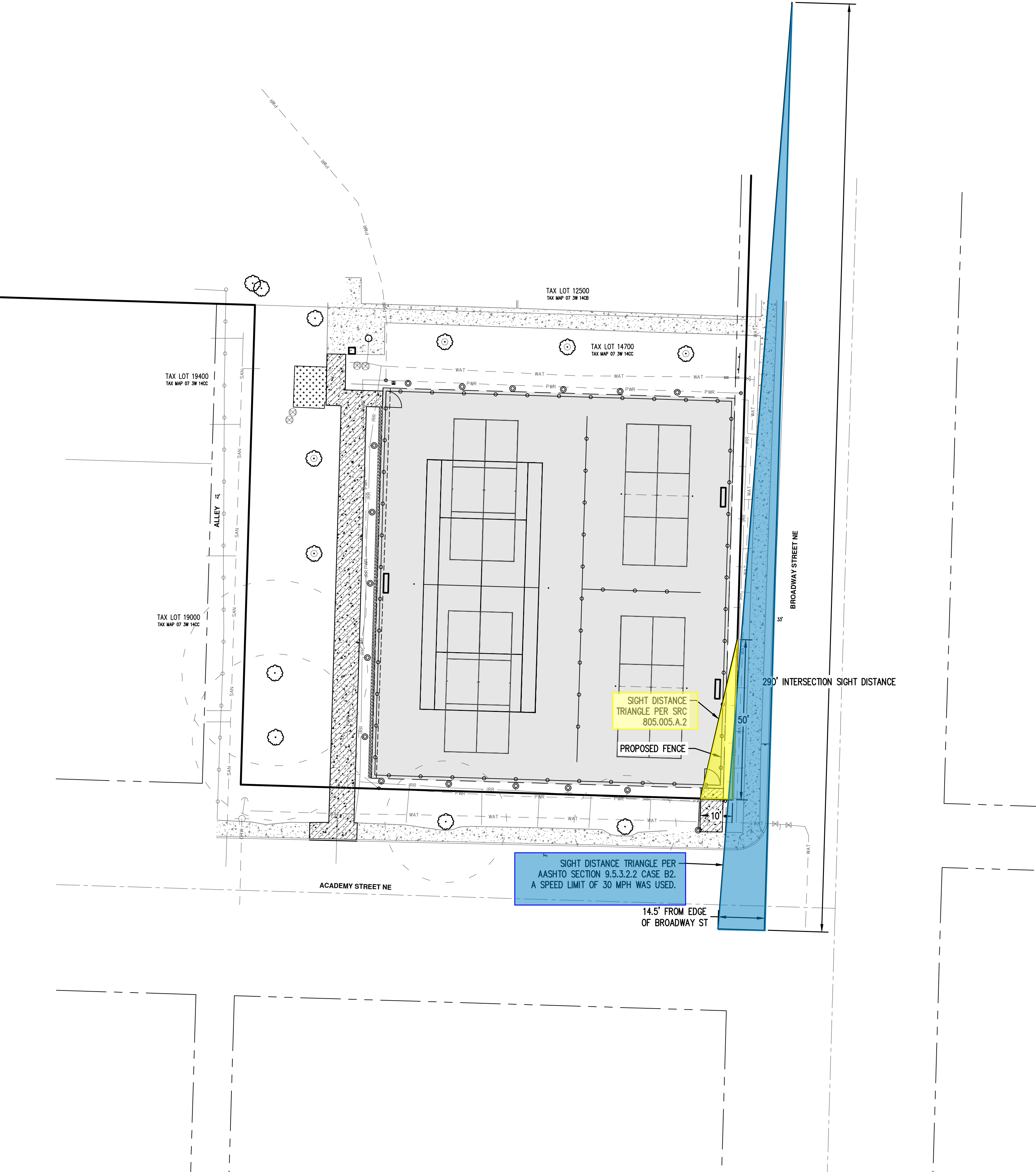
Application of the alternative AASHTO sight distance triangle demonstrates that adequate vision clearance is provided with the court and fence located as planned. Per Section 9.5.3.2.2 Case B of the *AASHTO Policy on Geometric Design of Highways and Streets* (Green Book), 2018 Edition, the required intersection sight distance is measured from the driver's perspective at the stop-controlled intersection, not the property line, which provides a more accurate representation. The required intersection sight distance for this intersection is 290-feet at a 30-mph design speed per Table 9-9. The decision point is 14.5-feet from the edge of Broadway Street NE. The design sight distance assumes a driver's eye is 3.5-feet above the ground and that an object to be seen is also 3.5-feet above the ground. As shown in the attached Exhibit A in blue, the sight distance area required by the AASHTO Green Book will not be impaired by the sports court's fence or any other structures. The required intersection sight distance can be provided at the Broadway Street NE and Academy Street NE intersections while conforming to the requirements set forth in the Green Book with the sports court and fence in the planned orientation.

Additionally, the current site conditions include an existing tennis and pickleball court with a perimeter chain link fence. With the proposed improvements, the court would be reconstructed and moved 1-foot west to keep it outside the 36-foot special setback along Broadway Street NE and improve the current situation. The fence is a critical component of the sports court's use to protect people walking by and vehicles driving by from being distracted by stray tennis/pickleballs that may otherwise be hit outside the sports court area.

The proposed court layout and fence are outside the AASHTO vision clearance triangle, and the fence is a critical component of the court use for driver safety and user experience. As demonstrated in Exhibit A, the court and fence in the planned location provide adequate vision clearance under the AASHTO standards.

Enclosures:

Exhibit A - Sight Distance Analysis



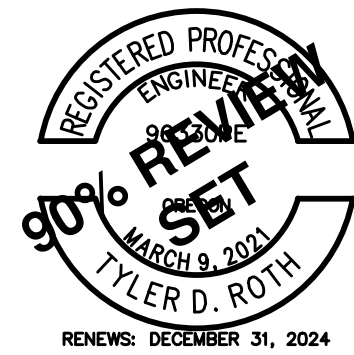
SHEET PREPARED BY:

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AKS

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

AKS PROJECT #: 5218-19



CERTIFICATE EXPIRES: DEC 31, 2024
DATE: OCT 30, 2024

HIGHLAND PARK SPORTS COURTS

REVISIONS			
NO.	DESCRIPTION	DATE	BY

PN: 723404

HORIZ DATUM: SEE EX. CONDITIONS
VERT DATUM: NGVD 29
HORIZ SCALE: AS NOTED
VERT SCALE: AS NOTED
DESIGN: TDR
DRAWN: TMN
CHECKED: TDR

APPROVED:

SHEET TITLE

SIGHT
DISTANCE
ANALYSIS

TUFFY® WINDSCREEN



Specifications

Construction: 1,000 denier x 800 denier Vipol® Matrix Mesh (18 x 14 ends/inch).

Fabric Weight: 10oz./sq. yd. **Shading:** 78% Shading. **Tensile Strength:** 360 x 320 lbs.

Sewn Hems: Three-Ply hem with ends and corners sewn and finished with two rows of lock stitched thread.

Thread: High heat bonded polyester with UV inhibitors built into yarn. **Grommets:** #2 brass Grommets every 12".

Seams: 6' Screens are a solid panel with no horizontal seams. 9' Screens are two panels prayer seamed together with a reinforced weld and one row of black UV treated thread at the center of the screen. They include grommets every 12".

Colors: Midnight Green, Black, Navy and Royal Blue. 19 other colors are available.

