

Written Statement

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

CHAPTER 535. MU-III—MIXED USE-III**Sec. 535.001. Purpose.**

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

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

Sec. 535.010. Uses.

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

Table 535-1: Uses

Use	Status	Limitations and Qualifications
Retail Sales and Service		
Eating and drinking establishments	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle services	C	All other motor vehicle services.

Response: Proposed uses are shown above.

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

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

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

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

Sec. 535.015. Development standards.

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

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

Table 535-2: Lot Standards

Requirement	Standard	Limitations and Qualifications
Lot Area		
All uses	None	

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

Response: Proposed coffee shop fronts on Commercial Street, with a length of roughly 42 feet, greater than minimum of 16 ft.

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

Table 535-3: Setbacks

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

Response: The proposed car wash sits outside the 30ft max setback; however the proposed coffee shop sits between the car wash and the street within the setback, therefore satisfying the qualifications above on Commercial St. The setback from carwash to Judson exceeds 30ft and requires an adjustment.

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

Table 535-4: Zone-to-Zone Setbacks

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

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

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

Table 535-5: Lot Coverage; Height

Requirement	Standard	Limitations and Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	No Max.	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to all uses	No Max.	
Height		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to all other uses	Max. 70 ft.	

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

- (e) *Landscaping.*
- (1) *Setbacks.* Setbacks, except setback areas abutting a street that provide pedestrian amenities, shall be landscaped to conform to the following standards:
 - (A) The required setback abutting a street for development that is exclusively residential shall meet the standard of a minimum of one plant unit per 16 square feet of landscaped area. Landscaping shall conform to the standards set forth in SRC chapter 807.
 - (B) For all other uses, landscaping shall conform to the standards set forth in SRC chapter 807.

Response: Noted.

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

Response: Noted.

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

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

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

Response: Section not applicable.

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

Response: the carwash is an addition to the existing structure, including storage on the 2nd floor.

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

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

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

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

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

Response: No outside storage proposed.

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

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

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

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

Sec. 535.020. Design review.

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

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

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

Response: Section not applicable.

Sec. 535.025. Other provisions.

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

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

CHAPTER 800. GENERAL DEVELOPMENT STANDARDS

Sec. 800.001. Purpose.

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

Sec. 800.005. Applicability.

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

Sec. 800.015. Lot standards, generally.

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

Sec. 800.020. Designation of lot lines.

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

Response: The property line facing Commercial St is considered the front lot line for this proposed development.

- (b) *Rear lot line.* The rear lot line shall be designated as set forth in this subsection (see Figure 800-2).
 - (1) *Generally.* For all lots, except those identified in subsection (b)(2) of this section, the rear lot line shall be the property line that is opposite and most parallel to, and located the greatest distance from, the front lot line.
- (c) *Side lot line.* A side lot line is any lot line which is not a front or rear lot line.

Sec. 800.025. Flag lots.

Flag lots are allowed subject to the standards set forth in this section.

- (a) *Lot area.* The lot area of a flag lot shall conform to the lot area standards of the UDC. Lot area shall be calculated exclusive of the flag lot accessway.
- (b) *Lot dimensions.* The lot dimensions of a flag lot shall conform to the lot dimension standards of the UDC. Lot dimensions shall be calculated exclusive of the flag lot accessway.
- (c) *Flag lot accessways.* Flag lot accessways shall be developed and maintained in conformance with the standards set forth in Table 800-1 and this subsection.

TABLE 800-1. FLAG LOT ACCESSWAY STANDARDS			
Number of Lots Served by Accessway	Maximum Length	Total Width	Paved Width
1—2 units (residential zoned property)	150 ft. ⁽¹⁾	Min. 20 ft.	Min. 15 ft.
3—4 units (residential zoned property)	400 ft. ⁽¹⁾	Min. 25 ft.	Min. 20 ft.
1—4 units (nonresidential zoned property)	400 ft. ⁽¹⁾	Min. 27 ft.	Min. 22 ft.

Limitations and Qualifications

(1) Maximum flag lot accessway length shall not apply where geographic features make it impractical, and
when approved by the Planning Administrator following review and recommendation by the Fire Marshal.

- (1) *Maximum development served by flag lot accessway.* A maximum of four lots may be served by a flag lot accessway. For residential lots created after November 28, 2022, a maximum of four residential units may be served by the flag lot accessway.
- (2) *Flag lot accessway grade.* Flag lot accessway grade shall conform to the Salem Fire Prevention Code.
- (3) *Fire Department access and flag lot accessway turnarounds.*
 - (A) Unobstructed fire apparatus access shall be provided to within 150 feet of any facility, building, or portion of a building, unless the building is equipped with an approved automatic fire sprinkler system or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.
 - (B) Flag lot accessways greater than 150 feet in length shall include a turnaround meeting Salem Fire Prevention Code standards, unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.
- (d) *Parking prohibited on flag lot accessways.* Parking shall be prohibited on flag lot accessways. No parking signs shall be posted and maintained on both sides of the accessway. The signs shall read "NO PARKING"; provided, however, where parking is prohibited because of a fire lane, the signs shall read "NO PARKING - FIRE LANE" and shall be installed in accordance with Salem Fire Prevention Code standards.
- (e) *Maximum percentage of flags lots within a subdivision.* Within a subdivision, up to 15 percent of the lots may be flag lots.

(Prior Code, § 800.025; Ord. No. 31-13; Ord. No. 22-22, § 1(Exh. A), 11-28-2022)

Response: Section not applicable.

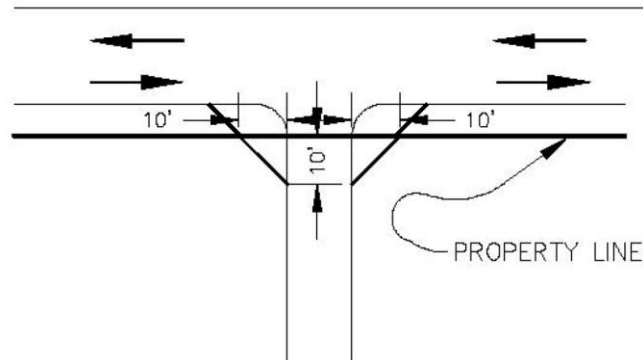
Sec. 800.030. Hillside lots.

Hillside lots may, at the option of the developer or owner, meet the standards set forth in this section, in lieu of the standards applicable in the zone.

- (a) *Topographic survey required.* An application to develop a lot pursuant to the standards set forth in this section shall include a topographical survey. The survey shall show the topography of the site at two-foot intervals.
- (b) *Grade.* Natural grade shall be retained on at least 40 percent of the total lot area. Landscaping that does not involve substantial movement of earth shall not be deemed a change to the natural grade. As used in this subsection, the term "natural grade" means both the slope and the elevation of the land in its natural state.
- (c) *Cut and fill slopes.*
 - (1) A fill slope shall begin no closer than two feet from the edge of the curb.
 - (2) Cut and fill slopes shall not exceed a slope of 1 to 2; provided, however, the Director may approve slopes not exceeding 1 to 1 upon certification by a qualified engineer or geologist that the slope will remain stable under foreseeable conditions.

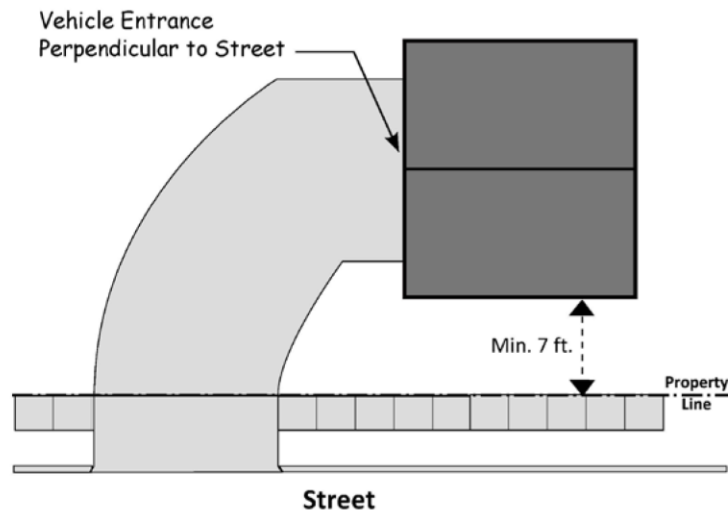
- (3) Cut and fill shall comply with SRC chapter 65. If there is a conflict between SRC chapter 65 and this subsection, the more restrictive regulation shall apply.
- (d) *Retaining walls.* Retaining walls shall not exceed a maximum height of six feet.
- (e) *Setbacks.*
 - (1) *Abutting street.*
 - (A) *Buildings and structures, other than garages and carports.* All buildings and structures, other than garages and carports, shall have a minimum setback of seven feet from the street.
 - (B) *Garages and carports.*
 - (i) *Vehicle entrance parallel to street.* Where a garage or carport is located on a hillside lot with an average cross slope of 20 percent or more, and the vehicle entrance to the garage or carport is parallel to the street, the garage or carport shall have a minimum setback of 17 feet from the street.

FIGURE 800-4. GARAGE/CARPORT SETBACK - VEHICLE ENTRANCE PARALLEL TO STREET



- (ii) *Vehicle entrance perpendicular to street.* Where a garage or carport is located on a hillside lot with an average cross slope of 20 percent or more, and the vehicle entrance to the garage or carport is perpendicular to the street, the garage or carport shall have a minimum setback of seven feet from the street.

FIGURE 800-5. GARAGE/CARPORT SETBACK - VEHICLE ENTRANCE PERPENDICULAR TO STREET



- (C) *Vision clearance.* Notwithstanding subsections (e)(1)(A) and (B) of this section, minimum vision clearance requirements shall be maintained.

- (f) *Trees.* Building pads and driveways should be sited so as to preserve trees having a dbh of ten inches or greater.

(Prior Code, § 800.030; Ord. No. 31-13)

Response: Section not applicable.

Sec. 800.031. Maintenance easements for dwelling units.

No building permit shall be issued for a townhouse, zero side yard dwelling, or any other dwelling unit which is constructed contiguous to a property line unless the applicant provides a copy of a recorded easement from the owner of the property that abuts the dwelling unit providing for reasonable ingress, egress, and use of such abutting property for the purpose of maintaining, repairing, and replacing the premises. The easement shall be in a form approved by the City Attorney.

Response: Section not applicable.

Sec. 800.035. Setbacks.

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

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

Response: No projections are proposed as part of this development.

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

Response: Section not applicable.

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

Response: Section not applicable.

Sec. 800.040. Special setbacks.

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

Response: Commercial St is categorized as a Major Arterial, and therefore has a ROW width of 96ft. The special setback line is roughly 4-4.5ft inside of the existing property line.

- (c) *Relationship to other required setbacks.* The special setback shall apply in addition to other setbacks required under the UDC. Setbacks required elsewhere under the UDC shall be measured from the special setback line.

Response: With the street frontage setback of 5ft, our setback line facing commercial street is roughly 9.5ft from the property line. The coffee shop sits roughly 11.5ft from the property line, along this front setback.

- (d) *Permitted structures and paving within special setbacks.* The following structures and paving are permitted within a special setback with a removal agreement as set forth in subsection (e) of this section:
 - (1) Transit stop shelters.
 - (2) Signs and their supporting members.
 - (3) Fences.
 - (4) Off-street parking provided such parking is developed in conformance with the setback and landscaping requirements set forth in SRC chapter 806.

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

- (e) *Removal agreement.* Where structures or paving, as permitted under subsection (d) of this section, are proposed to be placed within a special setback, a removal agreement shall be required as provided in this subsection.
 - (1) The removal agreement shall be entered into by:
 - (A) The owner of the property and the local transit operator, for transit stop shelters located within a special setback. The local transit operator shall have the obligation to remove the shelter when required.
 - (B) The owner of the property and/or owner of the sign, for signs and their supporting members located within a special setback.
 - (C) The owner of the property, for fences and off-street parking located within a special setback.
 - (2) The removal agreement shall be in a form approved by the City Attorney and shall provide that:
 - (A) Within six months after notice by the City, any structure, paving, or portion thereof that extends into the special setback shall be completely removed at no expense to the City;
 - (B) Where off-street parking set forth in subsection (d) of this section is removed, any remaining portion of the parking area located outside of the special setback shall be brought into conformance with the setback and landscaping requirements set forth in SRC chapter 806 at no expense to the City;
 - (C) If the owner or transit operator fails or refuses to make the removal, or fails or refuses to make required improvements to any remaining portion of the parking area located outside of the special setback, the City may cause the removal, or the required parking area improvement, to be made, and the costs incurred shall:
 - (i) Be a lien against the property if the removal agreement was entered into by the owner of the property, which may be foreclosed in the manner provided by law;
 - (ii) Be the obligation of the transit operator if the removal agreement was entered by the owner and the local transit operator, and that, in the event an action must be brought to

enforce the obligation, that the City shall be entitled to its attorney's fees and costs incurred in enforcing the obligation.

- (D) The property owner, sign owner, or transit operator shall not be entitled to damages or compensation as the result of City's exercise of its rights under the removal agreement; provided, however, the property owner shall retain his or her right to just compensation for the unimproved value of any land taken for the widening of the street.
- (3) The removal agreement shall be recorded with the county in which the property is located. Notice to remove any structure, paving, or portion thereof shall not be given until the City or the State proceeds with a project to widen the street in front of the property.

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

Sec. 800.045. Height.

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

Response: Maximum new building height is 29'-7", with no roof top equipment. Existing building is max 29'-7" tall.

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

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

-
- (a) *Location, height, and density.* Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.
- (1) *Fences and walls.*
- (A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:
- (i) *Front yard abutting street.* Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.
- (ii) *Side and rear yards abutting street.* Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.
- (B) Nonresidential zones. Except for fences and walls on property used for uses falling under household living, fences and walls within nonresidential zones shall not exceed a maximum height of 12 feet; provided, however:
- (i) Front, side, and rear yards abutting street. Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within ten feet of a property line abutting a street; provided, however, any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

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

- (2) *Hedges.* There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.

Response: Not applicable, no hedges proposed.

- (3) *Gates.* Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.

Response: Not applicable, no gates proposed

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

Response: Not applicable, no retaining walls proposed.

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

Response: Noted.

- (c) *Material.*

- (1) *Fences.* Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chainlink fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited.

Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.

- (2) *Walls.* Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.

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

- (d) *Hazardous materials.* Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:

- (1) *Concertina wire.* Concertina wire is permitted around state and county correctional facilities and secure mental health facilities.

- (2) *Barbed wire and upturned barbed selvage.*

- (A) *Location.* Barbed wire and upturned barbed selvage is permitted within the following locations:

- (i) Any zone where the fence will be used to enclose livestock; and
- (ii) The Retail Commercial (CR) and General Commercial (CG) Zones, any industrial or public zone, and any zone where the fence will be used to enclose an electrical substation.

- (B) *Standards.* Where allowed as set forth this subsection, barbed wire or upturned barbed selvage shall comply with the following additional standards:

- (i) *Enclosure of livestock.* Fences with barbed wire or upturned barbed selvage enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
- (ii) *CR and CG zones; industrial and public zones; enclosure of electrical substations.* Fences with barbed wire or upturned barbed selvage located within a Retail Commercial (CR) or General Commercial (CG) Zone, within an industrial or public zone, or enclosing an electrical substation shall comply with the following:
 - (aa) The barbed wire or upturned barbed selvage shall be located more than six feet above grade;
 - (bb) The barbed wire or upturned barbed selvage shall be setback a minimum of one foot from the public right-of-way, when designed to slant towards the public right-of-way;
 - (cc) The barbed wire or upturned barbed selvage shall not extend over a street or alley; and
 - (dd) The fence shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.

- (3) *Electric fencing.*

- (A) *Location.* Electric fencing is permitted within the following locations:

- (i) Any zone where the fence will be used to enclose livestock; and
- (ii) Around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone.

- (B) *Standards.* Where allowed as set forth in this subsection, electric fencing shall comply with the following additional standards:

-
- (i) *Enclosure of livestock.* Electric fencing enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
 - (ii) *Outdoor storage areas for nonresidential uses within the CG Zone and industrial zones.* Electric fencing around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone shall comply with the following:
 - (aa) The fence shall not exceed ten feet in height and shall be completely surrounded by a non-electric fence or wall a minimum of six feet in height.
 - (bb) A minimum one-foot separation shall be maintained between the electric fence and the surrounding non-electric fence or wall.
 - (cc) An electrical permit and inspection shall be obtained prior to installation.
 - (dd) The electric fence shall be listed by a testing laboratory approved by the State, and shall be installed and used in accordance with the testing laboratory listing.
 - (ee) The fence shall be clearly posted with warning signs in English and Spanish notifying persons of a dangerous fence. The signs shall include the statement, "DANGER - ELECTRIC FENCE," or an equivalent, together with a pictorial warning. The signs shall be posted at an interval of not more than 60 feet.
 - (ff) Emergency access. Fire department access shall be provided in accordance with the Salem Fire Prevention Code. An approved method to manually disconnect electrical power to all portions of the fence and gates shall be provided at an exterior location. The method and location of the electrical disconnect shall be approved by the Salem Fire Code Official.

Response: No proposed hazardous fencing materials are proposed.

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

Response: Noted.

Sec. 800.055. Solid waste service areas.

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

- (a) *Applicability.* Solid waste service area design standards shall apply to:
 - (1) All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and
 - (2) Any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.
- (b) *Solid waste receptacle placement standards.* All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
 - (1) *Pad area.* In determining the total concrete pad area for any solid waste service area:

- (A) The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and
 - (B) The pad area shall extend a minimum three feet beyond the front of the receptacle.
 - (C) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.
- (2) *Minimum separation.*
- (A) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
 - (B) A minimum separation of five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.
- (3) *Vertical clearance.*
- (A) *Receptacles two cubic yards or less.* Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.
 - (B) *Receptacles greater than two cubic yards.* Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:
 - (i) For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or
 - (ii) Where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).

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

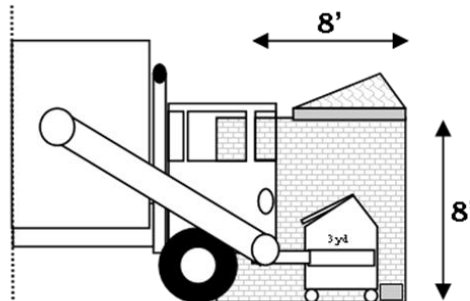
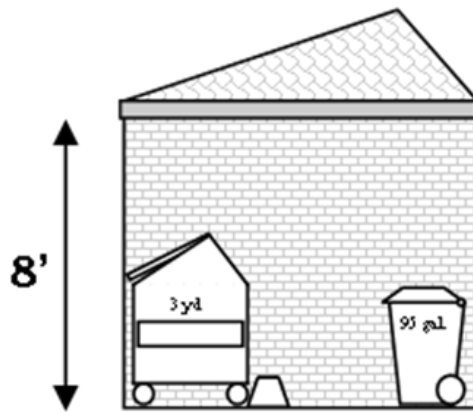


FIGURE 800-7 REDUCED OVERHEAD OR VERTICAL CLEARANCE FOR ENCLOSURES WITH INTERNAL PHYSICAL BARRIER



(c) *Permanent drop box and compactor placement standards.*

- (1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- (2) All permanent compactors shall be placed on a concrete pad that is structurally engineered or in compliance with the manufacturer specifications. The pad shall have a slope of no more than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- (3) Pad area. The pad area shall be a minimum of 12 feet in width. The pad area shall extend a minimum of five feet beyond the rear of the permanent drop box or compactor.
- (4) Minimum separation. A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.

(d) *Solid waste service area screening standards.*

- (1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.
- (2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

(e) *Solid waste service area enclosure standards.* When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.

- (1) *Front opening of enclosure.* The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.
- (2) *Measures to prevent damage to enclosure.*
 - (A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.
 - (B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches

inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

- (C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:
- (i) A minimum distance of two feet from the sides of the container or receptacles; and
 - (ii) A minimum of three feet from the rear of the container or receptacles.
- (3) *Enclosure gates.* Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.
- (4) *Prohibited enclosures.* Receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are:
- (A) Stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or
 - (B) Stored in a building or structure of a fire resistive Type I or Type IIA construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.
- (f) *Solid waste service area vehicle access.*
- (1) Vehicle operation area.
- (A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.
 - (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
 - (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
 - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
 - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.

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

(GATES PINNED OPEN AT 120 DEGREES)

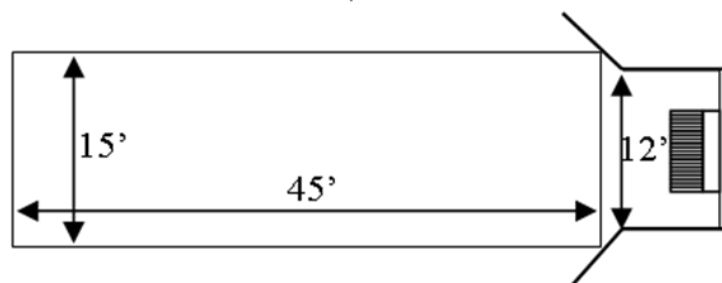
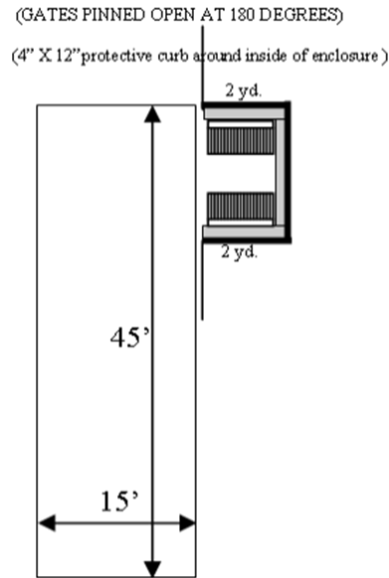
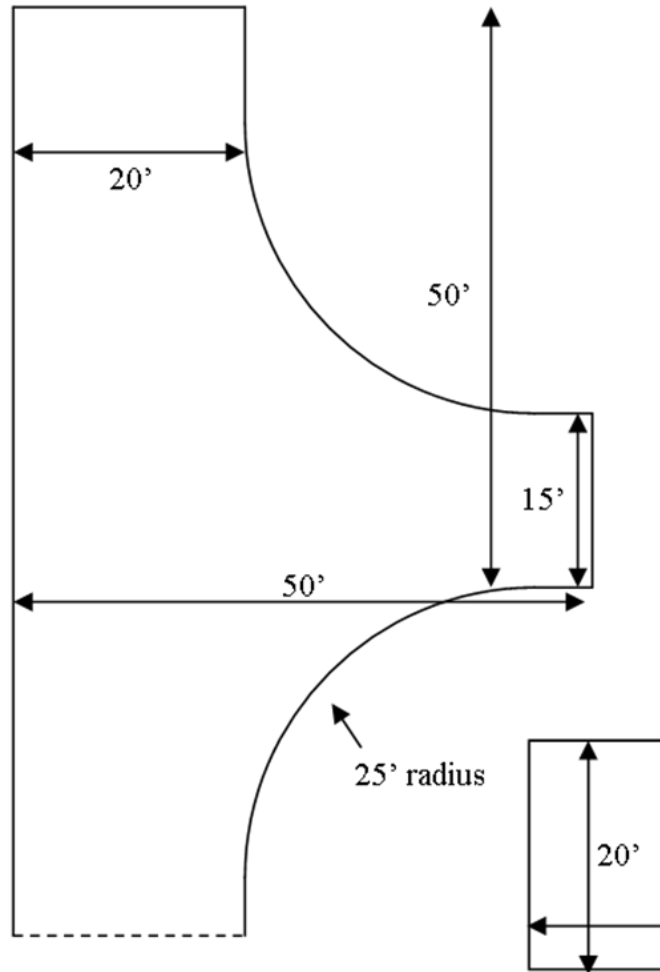


FIGURE 800-9. VEHICLE OPERATION AREA PARALLEL TO FRONT OF ENCLOSURE



- (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
- (D) Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
- (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

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



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

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

Sec. 800.060. Exterior lighting.

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

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

Sec. 800.065. Pedestrian access.

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

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

Response: The proposed coffee shop has a direct pedestrian connection to Commercial Street. The proposed car wash does not require a pedestrian connection, as it is a service building not primarily intended for human occupancy.

- (2) *Connection between buildings on the same development site.*
 - (A) Except as otherwise provided in this subsection, where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all the buildings.
 - (B) A pedestrian connection, or pedestrian connections, is not required between buildings on the same development site if:
 - (i) The buildings have a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting a street; and
 - (ii) A public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances; or
 - (iii) The buildings are service, storage, maintenance, or similar type buildings not primarily intended for human occupancy.

Response: Same as above, the proposed car wash is not primarily intended for human occupancy, and therefore does not need a connection to the other buildings on site.

- (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.

Response: Section not applicable.

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

Response: Section not applicable.

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

Response: Section not applicable.

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

Response: Section not applicable.

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

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

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

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

- (d) *Applicability of standards to development sites comprised of lots under separate ownership.*
- (1) When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development,

together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.

Response: Section not applicable.

- (2) Where the pedestrian access standards of this section would otherwise require additional pedestrian connections throughout the development site beyond just the lot, or lots, proposed for development and any contiguous lots under the same ownership, the required pedestrian connections shall be extended to the boundaries of the lot, or lots, proposed for development and any contiguous lots under the same ownership in order to allow for future extension of required pedestrian connections through the other lots within the development site in conformance with the standards in this section.

Response: Section not applicable.

CHAPTER 806. OFF-STREET PARKING, LOADING AND DRIVEWAYS**Sec. 806.001. Purpose.**

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

Sec. 806.015. Amount off-street parking.

(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
Household Living		
Single family	3 per dwelling unit	
Two family, three family, and four family	1.75 per dwelling unit	
Multiple family	1.2 per dwelling unit	Applicable to studio units.
	1.75 per dwelling unit	Applicable to all other dwelling units.
Group Living		
Room and board facilities	1 per guest room or suite	
Residential care	1 per 250 sq. ft.	
Nursing care	1 per 2 beds	
Lodging		
Short-term commercial lodging	1.5 per guest room or suite	
Long-term commercial lodging		
Nonprofit shelters	1 per 200 sq. ft.	
Retail Sales and Service		
Eating and drinking establishments	1 per 175 sq. ft. or 2 per mobile food unit, whichever is greater	Applicable to mobile food units where they are the sole use on the lot.
	1 per 175 sq. ft.	Applicable to all other eating and drinking establishments.
Retail sales	1 per 200 sq. ft.	
Personal services	1 per 250 sq. ft.	

Postal services and retail financial services	1 per 350 sq. ft.	
Shopping center	1 per 200 sq. ft.	
Business and Professional Services		
Office	1 per 250 sq. ft.	
Audio/visual media production		
Laboratory research and testing		
Office complex		
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales	1 per 600 sq. ft.	
Motor vehicle services		
Taxicabs and car services		
Heavy vehicle and trailer sales		
Heavy vehicle and trailer service and storage		
Commercial parking	N/A	
Park-and-ride facilities		
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	1 per 4 seats or 15 feet of bench length	Applicable to theaters.
	4 per court, plus additional 1 per 4 seats or 15 feet of bench length	Applicable to tennis, racquetball, and handball courts.
	1 per 200 sq. ft.	Applicable to all commercial entertainment—indoor.
Commercial entertainment—outdoor	4 per court, plus additional 1 per 4 seats or 15 feet of bench length	Applicable to tennis, racquetball, and handball courts.
	6 per tee	Applicable to golf courses.
	1 per 1,400 sq. ft. of gross site area	Applicable to all other commercial entertainment—outdoor.
Major event entertainment	The lesser of the following: 1 per 4 seats or 15 feet of	

	bench length; or 1 per 20 sq. ft. of floor area of assembly space.	
Recreational and cultural community services	6 per tee	Applicable to golf courses.
	1 per 250 sq. ft.	Applicable to all other indoor Recreational and cultural community services.
	1 per 1,400 sq. ft. of gross site area	Applicable to all other outdoor Recreational and cultural community services.
Parks and open space	1 per 2,700 sq. ft. of gross site area	
Nonprofit membership assembly	1 per 250 sq. ft.	
Religious assembly	1 per 4 seats or 15 feet of bench length within the principle worship area; or 1 per 60 sq. ft. within the principal worship area, when no fixed seating or benches are provided.	
Health Services		
Medical centers/hospitals	2.25 per bed	
Outpatient medical services and laboratories	1 per 250 sq. ft.	
Education Services		
Day care	1 per 250 sq. ft.	
Basic education	3 per classroom	Applicable to elementary schools.
	1 per 4 students	Applicable to secondary schools. The number of students shall be calculated based on the total number of students the school is designed to accommodate.
Post-secondary and adult education	1 per 250 sq. ft.	Applicable to vocational and trade schools.

	1 per 3 students	Applicable to all other post-secondary and adult education. The number of students shall be calculated based on the total number of students the school is designed to accommodate.
Civic Services		
Governmental services	1 per 350 sq. ft.	
Social services	1 per 250 sq. ft.	
Governmental maintenance services and construction	1 per 1,000 sq. ft.	
Public Safety		
Emergency services	1 per 350 sq. ft.	
Detention facilities	1 per 1,400 sq. ft.	
Military installations	1 per 350 sq. ft.	
Funeral and Related Services		
Cemeteries	1 per 250 sq. ft.	
Funeral and cremation services	1 per 4 seats or 15 feet of bench length in the chapel	
Construction Contracting, Repair, Maintenance, and Industrial Services		
Building and grounds services and construction contracting	1 per 1,000 sq. ft.	
Industrial services		
General repair services	1 per 250 sq. ft.	
Cleaning plants	1 per 700 sq. ft.	
Wholesale Sales, Storage, and Distribution		
General wholesaling	1 per 1,000 sq. ft.	
Heavy wholesaling		
Warehousing and distribution	1 per 1,000 sq. ft.	
Self-service storage		
Manufacturing		
General manufacturing	1 per 1,000 sq. ft.	
Heavy manufacturing		
Printing		

Transportation Facilities		
Aviation facilities	1 per 1,000 sq. ft.	
Passenger ground transportation facilities;		
Marine facilities	1.5 per boat berth or docking space.	Applicable to marinas.
	1 per 1,000 sq. ft.	Applicable to all other marine facilities.
Utilities		
Basic utilities	1 per 1,000 sq. ft.	
Drinking water treatment facilities		
Power generation facilities		
Data center facilities		
Waste related facilities		
Wireless communication facilities	0	
Fuel dealers	1 per 140 sq. ft.	
Mining and Natural Resource Extraction		
Petroleum and natural gas production	1 per 1,000 sq. ft.	
Surface mining		
Farming, Forestry, and Animal Services		
Agriculture	7	Applicable when retail sales are involved.
Forestry		
Agriculture and forestry services	1 per 1,000 sq. ft.	
Keeping of livestock and other animals	1 per 300 sq. ft.	
Animal services	1 per 300 sq. ft.	
Other Uses		
Accessory short-term rentals	0	
Temporary uses	1 per employee	Applicable to managed temporary village uses.
	The maximum number of spaces allowed for the use that it serves, provided all permanent and temporary	Applicable to temporary and seasonal gravel off-street parking areas.

	spaces are counted toward that maximum.	
	0	Applicable to all other temporary uses.
Home occupations	1 per dwelling unit	
Accessory dwelling units	1 per dwelling unit	
<p>⁽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.</p> <p>⁽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.</p> <p>⁽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.</p>		

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

(Ord. No. 4-23, § 1(Exh. A), 4-24-2023; Ord. No. 7-23, § 1(Exh. A), 11-27-2023)

Editor's note(s)—Ord. No. 4-23, § 1(Exh. A), adopted April 24, 2023, repealed the former § 806.015, and enacted a new § 806.015 as set out herein. The former § 806.015 pertained to similar subject matter and derived from Prior Code, § 806.015; Ord. No. 31-13; Ord. No. 6-17, § 16, adopted May 8, 2017; Ord. No. 5-17, § 37(806.015), adopted June 12, 2017; Ord. No. 10-17, § 28, adopted July 10, 2017; Eng. Ord. No. 4-18, § 9, adopted Aug. 13, 2018, eff. Sept. 12, 2018; Ord. No. 1-20, § 2(Exh. B), adopted Feb. 24, 2020; Ord. No. 13-21, § 1(Exh. A), adopted Feb. 14, 2022; Ord. No. 22-22, § 1(Exh. A), adopted Nov. 28, 2022)

Response: Only 1 off street handicap parking spot is provided..

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

- (a) *General.* If provided, off-street parking shall be accommodated through one or more of the following methods:
 - (1) *Ownership.* Ownership in fee by the owner of the property served by the parking;
 - (2) *Easement.* A permanent and irrevocable easement appurtenant to the property served by the parking;
 - (3) *Lease Agreement.* A lease agreement;
 - (4) *Lease or rental agreement in parking structure.* A lease or rental agreement in an off-street parking facility established pursuant to ORS 223.805 to 223.845.

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

(Prior Code, § 806.020; Ord. No. 31-13; Ord. No. 4-23, § 1(Exh. A), 4-24-2023)

Response: Parking is incorporated on the lot under the same ownership.

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

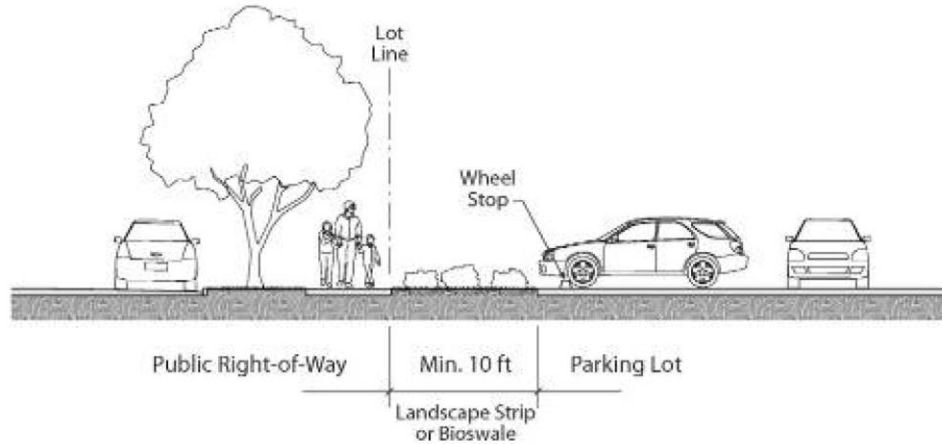
Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

- (a) *General applicability.* The off-street parking and vehicle use area development standards set forth in this section shall apply to:
- (1) The development of new off-street parking and vehicle use areas;
 - (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
 - (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 - (4) The paving of an unpaved area.
- (b) *Location.*
- (1) *Generally.* Off-street parking and vehicle use areas shall not be located within required setbacks.
 - (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.
 - (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.
- (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.
 - (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.

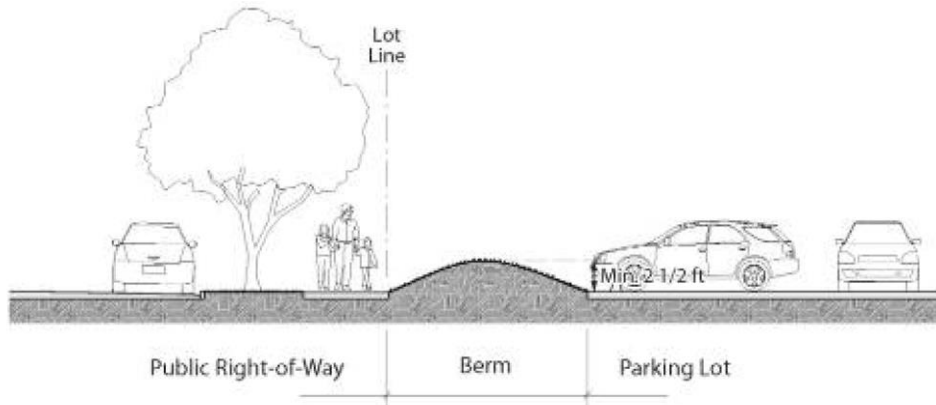
- (A) *Method A.* The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

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



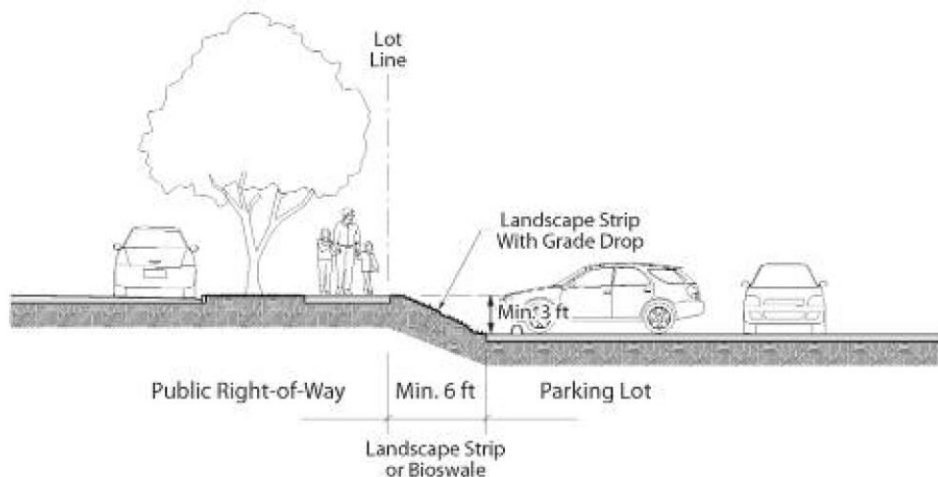
- (B) *Method B.* The off-street parking and vehicle use area shall be setback to accommodate a berm, the top of which shall be a minimum of 2.5 feet higher than the elevation of the abutting off-street parking or vehicle use area (see Figure 806-2). The berm shall have a slope no steeper than a 3:1 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



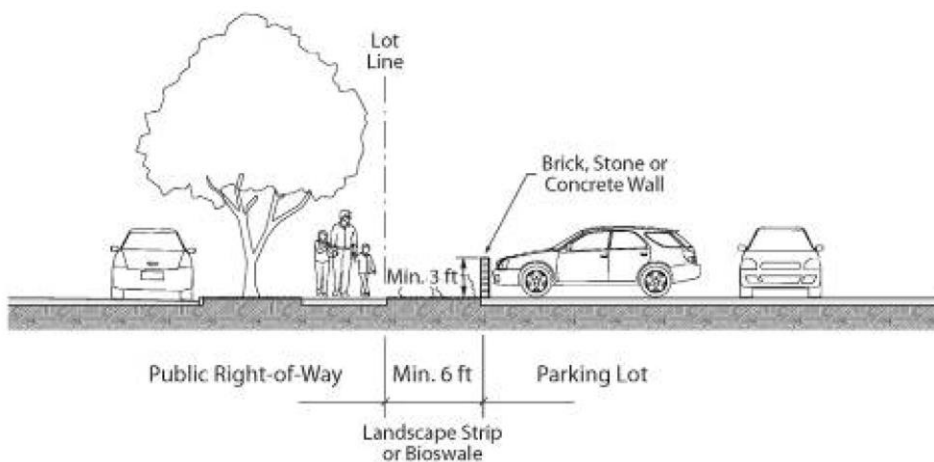
- (C) *Method C.* The off-street parking and vehicle use area shall be setback a minimum six feet to accommodate a minimum three-foot drop in grade from the elevation at the right-of-way line to the elevation of the abutting off-street parking or vehicular use area (see Figure 806-3). The setback shall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



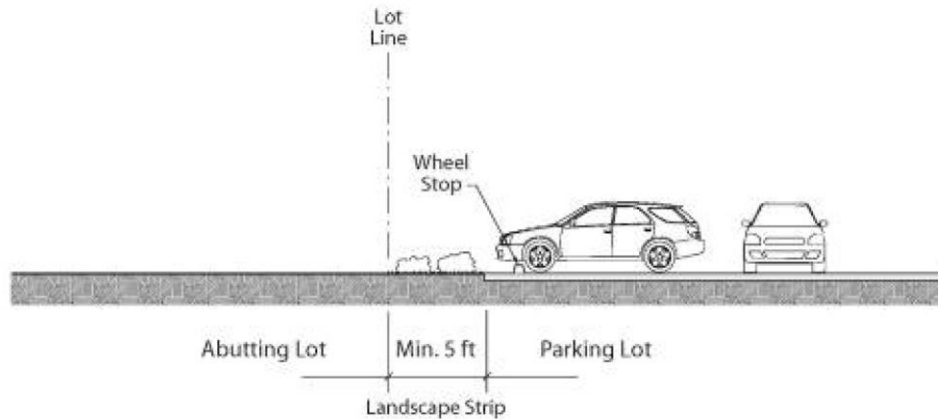
- (D) *Method D.* The off-street parking and vehicle use area shall be setback a minimum six feet in conjunction with a minimum three-foot-tall brick, stone, or finished concrete wall (see Figure 806-4). The wall shall be located adjacent to, but entirely outside, the required setback. The setback shall 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



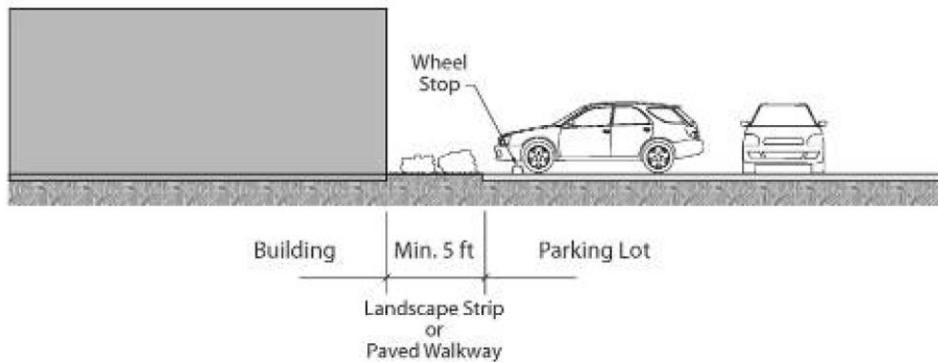
- (E) *Method E.* The off-street parking and vehicle use area shall be setback a minimum of six feet to accommodate green stormwater infrastructure meeting the Public Works Design Standards.
- (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater 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



- (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



- (5) *Perimeter setbacks and landscaping for parking garages.* Perimeter setbacks and landscaping as set forth in subsection (c) of this section shall be required for parking garages; provided, however, perimeter setbacks and landscaping are not required for:
- (A) Any portion of a parking garage with frontage on a street and containing ground floor uses or activities other than parking.
 - (B) Any parking garage within an industrial zone, public zone, or commercial zone, other than a CO zone, that abuts an interior front, side, or rear property line where there is no required building setback.
 - (C) Any parking garage abutting an alley.
- (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.

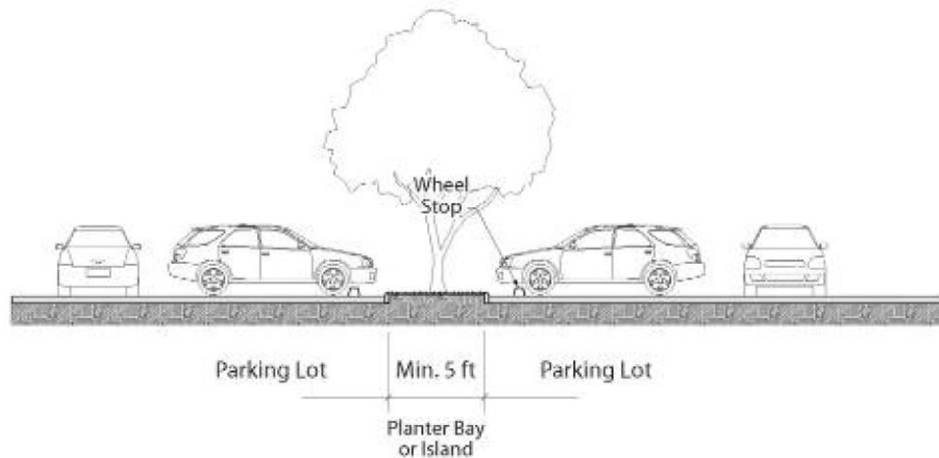
- (D) Gravel off-street parking areas, approved through a conditional use permit.
- (E) Underground parking.
- (F) Parking garages.
- (2) *Minimum percentage of interior landscaping required.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-4. For purposes 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 Parking Area	Percentage Required to be Landscaped
Less than 50,000 sq. ft.	Min. 5%
50,000 sq. ft. and greater	Min. 8%

- (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.
- (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



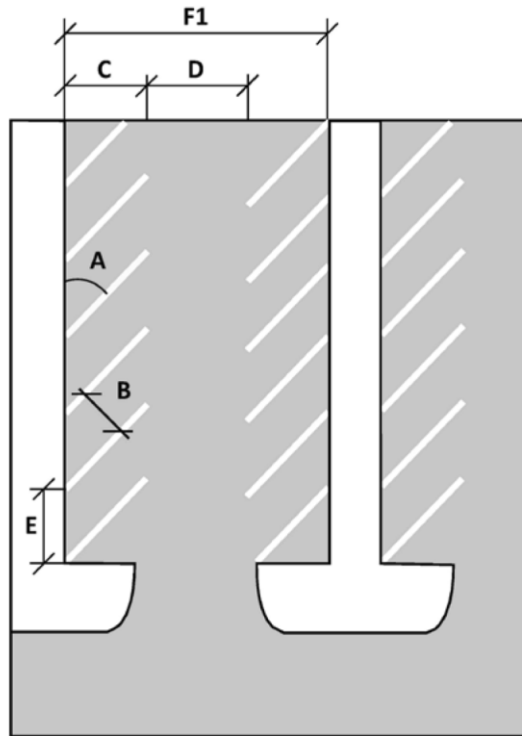
- (e) *Off-street parking area dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-5; provided, however, minimum off-street parking area dimensions shall not apply to:
 - (1) Vehicle storage areas.
 - (2) Vehicle display areas.

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⁾
0° (Parallel)	Compact	8'0"	8.0	12.0	22.0	28.0	-
	Standard	8'0"	8.0	12.0	22.0	28.0	-
20°	Compact	8'0"	12.6	11.0	23.4	36.2	28.7
	Standard	8'6" (4)	14.5	11.0	24.9	40.0	32.0
		9'6"	15.5	11.0	27.8	42.0	33.1
		10'0"	15.9	11.0	19.2	42.8	33.4
30°	Compact	8'0"	14.4	11.0	16.0	39.8	32.9
	Standard	8'6" (4)	16.9	11.0	17.0	44.8	37.4
		9'0"	17.3	11.0	18.0	45.6	37.8
		9'6"	17.8	11.0	19.0	46.6	38.4
		10'0"	18.2	11.0	20.0	47.4	38.7
40°	Compact	8'0"	15.8	12.0	12.4	43.6	37.5
	Standard	8'6" (4)	18.7	12.0	13.2	49.4	42.9
		9'0"	19.1	12.0	14.0	50.2	43.3
		9'6"	19.5	12.0	14.8	51.0	43.7
		10'0"	19.9	12.0	15.6	51.8	44.1
45°	Compact	8'0"	16.3	13.5	11.3	46.1	40.5
	Standard	8'6" (4)	19.4	13.5	12.0	52.3	46.3
		9'0"	19.8	13.0	12.7	52.6	46.2
		9'6"	20.1	13.0	13.4	53.2	46.5
		10'0"	20.5	13.0	14.1	54.0	46.9
50°	Compact	8'0"	16.6	15.5	10.4	48.7	43.6
	Standard	8'6" (4)	20.0	15.5	11.1	55.5	50.0
		9'0"	20.4	15.0	11.7	55.8	50.0
		9'6"	20.7	15.0	12.4	56.4	50.3
		10'0"	21.0	15.0	13.1	57.0	50.6
60°	Compact	8'0"	17.0	18.5	9.2	52.5	48.5
	Standard	8'6" (4)	20.7	18.5	9.8	59.9	55.6
		9'0"	21.0	18.0	10.4	60.0	55.7
		9'6"	21.2	18.0	11.0	60.4	55.6
		10'0"	21.5	18.0	11.5	61.0	56.0
70°	Compact	8'0"	16.8	19.5	8.5	53.1	50.4
	Standard	8'6" (4)	20.8	19.5	9.0	61.1	58.2
		9'0"	21.0	19.0	9.6	61.0	57.9

		9'6"	21.2	18.5	10.1	60.9	57.7
		10'0"	21.2	18.0	10.6	60.4	57.0
80°	Compact	8'0"	16.2	22.0	8.1	56.4	55.0
	Standard	9'0"	20.3	24.0	9.1	64.3	62.7
		9'6"	20.4	24.0	9.6	64.4	62.7
		10'0"	20.5	24.0	10.2	65.0	63.3
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							
<p>(1) For two-way circulation the width of an aisle shall be a minimum of 22 feet.</p> <p>(2) The width of an aisle serving both standard and compact parking spaces 80 degrees or more shall be a minimum of 24 feet.</p> <p>(3) See Figure 806-8 for corresponding off-street parking area layout requirements.</p> <p>(4) Minimum 8'6" standard stall width applies within parking structures of two or more stories.</p> <p>(5) Minimum 8'6" compact stall width applies when the side of the parking space abuts a wall or post.</p>							

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



- (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

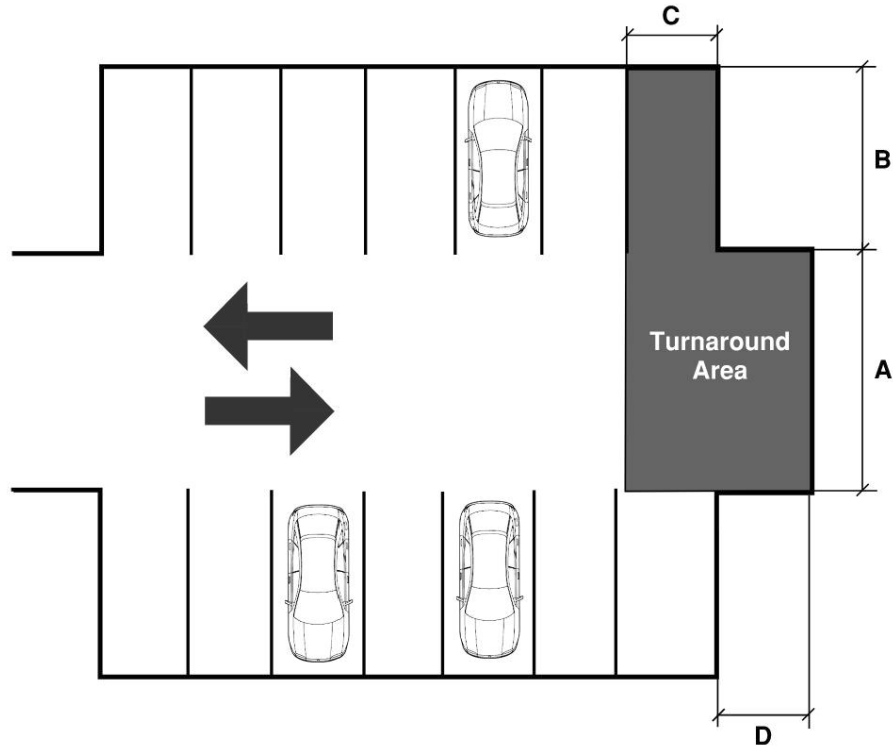


TABLE 806-6. MINIMUM OFF-STREET PARKING AREA TURNAROUND DIMENSIONS

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.

- (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.
- (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



- (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.
- (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.
- (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.
- (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.
- (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.
- (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

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

- (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.
- (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.
- (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.

- (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.
- (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.
 - (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.
- (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.

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.

(Prior Code, § 806.035; Ord. No. 31-13; Ord. No. 1-20, § 2(Exh. B), 2-24-2020; Ord. No. 13-21, § 1(Exh. A), 2-14-2022; Ord. No. 4-23, § 1(Exh. A), 4-24-2023; Ord. No. 7-23, § 1(Exh. A), 11-27-2023)

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

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

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

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

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

- (b) *Location.* Driveways shall not be located within required setbacks except where:
- (1) The driveway provides direct access to the street, alley, or abutting property.
 - (2) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.

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

- (c) *Setbacks and landscaping.*
- (1) *Perimeter setbacks and landscaping, generally.* Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:
 - (A) The driveway provides direct access to the street, alley, or abutting property.
 - (B) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.
 - (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, driveways abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).
 - (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, driveways abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Response: Driveways provide direct access to the streets, so no setbacks are required.

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

TABLE 806-8. MINIMUM DRIVEWAY WIDTH		
Type of Driveway	Width	Inside Radius of Curves & Corners
One-way driveway	12 ft.	25 ft., measured at curb or pavement edge
Two-way driveway	22 ft.	25 ft., measured at curb or pavement edge

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

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

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

Sec. 806.045. Bicycle parking; when required.

- (a) *General applicability.* Bicycle parking shall be provided as required under this chapter for:
- (1) Each proposed new use or activity.
 - (2) Any change of use or activity.
 - (3) Any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB), West Salem Central Business District (WSCB), Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), Mixed Use-Riverfront (MU-R), and Edgewater/Second Street Mixed-Use Corridor (ESMU) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB, WSCB, MU-I, MU-II, MU-III, MU-R, and ESMU zones where at least 75 percent of the width of the lot at the front setback line is occupied by existing buildings shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) *Applicability to nonconforming bicycle parking area.* When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

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

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

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

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

Sec. 806.055. Amount of bicycle parking.

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

TABLE 806-9. BICYCLE PARKING			
Use	Minimum Number of Spaces Required ^{(1), (2)}	Maximum Percentage of Long-Term Spaces Allowed ⁽³⁾	Limitations & Qualifications
Retail Sales and Service			
Eating and drinking establishments	The greater of 4 spaces or 1 space per 1,000 sq. ft.	25%	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service			

Motor vehicle services	1 per 9,000 sq. ft.	0%	
⁽¹⁾ Unless otherwise provided, when required bicycle parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.			
⁽²⁾ The minimum bicycle parking spaces required in this table shall be developed as short-term spaces except when the applicant chooses to designate an allowed percentage of those spaces as long-term bicycle parking spaces.			
⁽³⁾ The maximum percentage of long-term bicycle parking spaces is based only on the minimum required number of bicycle parking spaces, not the actual number of bicycle parking spaces provided.			

Response: A total of 6 spaces will be provided per table 806-9. Four near the coffee shop and two between the car washes.

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

Response: No long term bicycle parking proposed.

Sec. 806.060. Bicycle parking development standards.

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

(a) *Location.*

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

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

(2) *Long-term bicycle parking.*

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

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

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

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

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

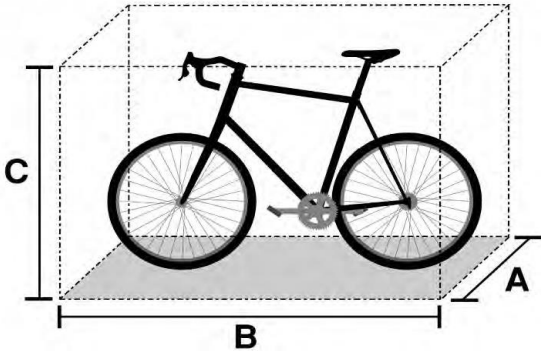
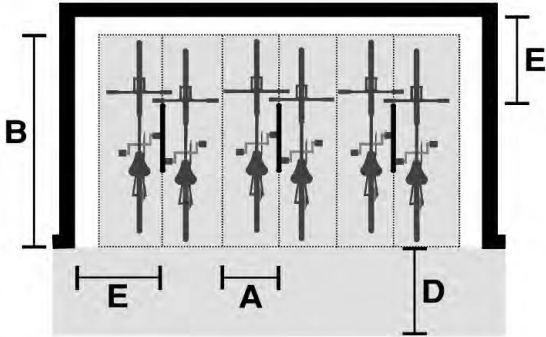
- (i) A restricted access lockable room;
- (ii) A lockable bicycle enclosure; or

- (iii) A bicycle locker.

Response: No long term bicycle parking is proposed.

- (b) **Access.** All bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.
- (c) **Dimensions.** All bicycle parking areas shall meet the following dimension requirements:
- (1) **Bicycle parking spaces.** Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
 - (2) **Access aisles.** Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

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

Space Type	Space Width A	Space Length B	Space Height C	Access Aisle Width D	Clearance Between Rack & Wall E
Horizontal Spaces ⁽¹⁾					
Standard	2 ft.	6 ft.	4 ft.	4 ft.	2 ft.
Side-by-side ⁽²⁾	1.5 ft.				
<div><div></div><div></div></div>					
Limitations and Qualifications					
⁽¹⁾ For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space.					
⁽²⁾ Applies where bike racks are located side-by-side. For vertical spaces, the alternative 1.5 ft. space width requires a minimum vertical stagger of 8 inches between each space.					

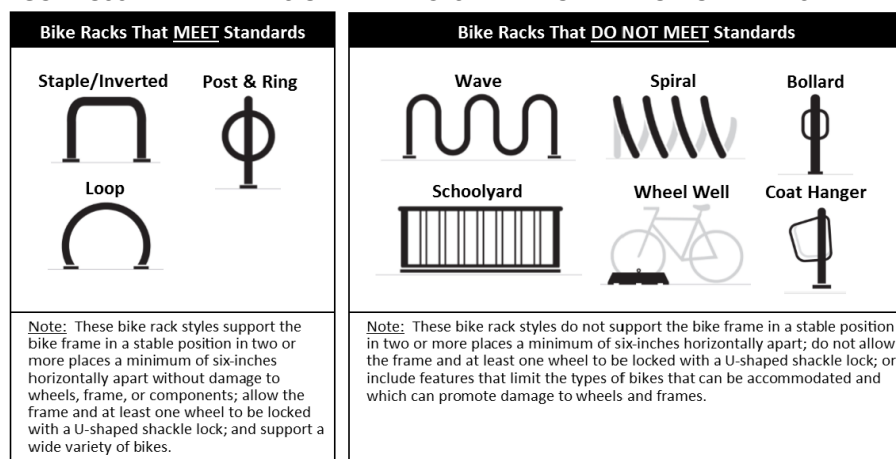
Response: Proposed bike parking spaces meet these standards.

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

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

- (e) **Bicycle racks.** Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:
- (1) Racks must support the bicycle in a stable position.

- (A) For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
- (B) For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.
- (f) *Bicycle lockers.* Where bicycle parking is provided in lockers, the lockers shall meet the following standards:
 - (1) Lockers shall conform to the minimum dimensions set forth in Table 806-10.
 - (2) Lockers shall be served by an access aisle conforming to the minimum width set forth in Table 806-10 in front of each locker opening.
 - (3) Lockers shall be securely anchored.

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

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

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

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

Sec. 806.070. Proximity of off-street loading areas to use or activity served.

Off-street loading shall be located on the same development site as the use or activity it serves.

Sec. 806.075. Amount of off-street loading.

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

TABLE 806-11. MINIMUM OFF-STREET LOADING; DIMENSIONS

Use Category/Use	Minimum Number of Spaces Required ⁽¹⁾		Dimensions			Limitations & Qualifications
			Width	Length	Height	
Use ■ Retail sales and service	None	Less than 5,000 sq. ft.	N/A	N/A	N/A	
Use: ■ Motor vehicle services	None	Less than 5,000 sq. ft.	N/A	N/A	N/A	

⁽¹⁾ Unless otherwise provided, when required loading is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.

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

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

Sec. 806.080. Off-street loading development standards.

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

(Prior Code, § 806.080; Ord. No. 31-13; Ord. No. 13-21, § 1(Exh. A), 2-14-2022; Ord. No. 4-23, § 1(Exh. A), 4-24-2023; Ord. No. 7-23, § 1(Exh. A), 11-27-2023)

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

CHAPTER 807. LANDSCAPING AND SCREENING

Sec. 807.001. Purpose.

The purpose of this chapter is to establish standards for required landscaping and screening under the UDC to improve the appearance and visual character of the community, promote compatibility between land uses, encourage the retention and utilization of existing vegetation, and preserve and enhance the livability of the City. (Prior Code, § 807.001; Ord. No. 31-13)

Sec. 807.015. Landscaping and screening.

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

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

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

Response: All proposed landscaping is type A.

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

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

1 small to medium shrub (at maturity: maximum 4 ft. wide; 4 ft. high)	1 PU	Min. 1 gallon
Lawn or other ground cover	1 PU per 50 sq. ft.	

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

- (c) *Preservation of existing trees and vegetation.* The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.
- (d) *Tree replanting requirements.* In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.
 - (1) *Removal of trees within required setbacks.* When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.
 - (2) *Removal of trees from development site.* When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Response: Section not applicable, no trees are proposed to be removed from the site.

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

Response: Existing CMU wall on East side of property meets all the above standards.

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

Response: Section not applicable.

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

Response: Street trees are provided along Commercial St and Judson St.

Sec. 807.020. Landscaping plan and landscaping permit.

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

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

- (1) Scale and north arrow.
- (2) Lot dimensions and footprint of structure(s).
- (3) A legend indicating the linear footage of perimeter setbacks abutting a street or right-of-way; the linear footage of perimeter setbacks not abutting a street or right-of-way; total building square footage; total square footage of the interior area of the off-street parking area, calculated per SRC 806.035(d)(2); and total number of parking spaces.
- (4) The location and size of plant materials, identified by common and botanical names, and their expected coverage within five years.
- (5) The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.
- (6) Fence or wall materials, when screening is required under the UDC.
- (7) Abutting land uses.
- (8) The type, size, and location of:
 - (A) Existing trees, as defined under SRC chapter 808, existing trees less than ten inches dbh, and vegetation that will be retained to satisfy landscaping requirements of this chapter.
 - (B) Existing trees, as defined under SRC chapter 808, proposed for removal.
- (9) Notwithstanding subsection (a)(8) of this section, where the development site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.
- (10) An irrigation plan identifying the materials, size, and location of all components of the irrigation system.
- (11) A two-year plant establishment schedule for:
 - (A) Landscaped areas where a permanent underground or drip irrigation system is not required because of the use of drought resistant vegetation; or
 - (B) New vegetation located within stormwater facilities.

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

- (b) *Landscaping permit.*

- (1) *Applicability.* When development subject to the landscaping requirements of this chapter requires site plan review but a building permit application is not otherwise required, a landscaping permit as provided in this subsection shall be required.
- (2) *Procedure type.* A landscaping permit is processed as a Type I procedure under SRC chapter 300.
- (3) *Submittal requirements.* In lieu of submittal requirements for a Type I application under SRC chapter 300, an application for a landscaping permit shall include the following:
 - (A) A completed application form containing the following information:
 - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (ii) The address or location of the subject property and its assessor's map and tax lot number;
 - (iii) The size of the subject property;
 - (iv) The comprehensive plan designation and zoning of the subject property;
 - (v) The type of application;
 - (vi) A brief description of the proposal; and
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application; and

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

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

Sec. 807.025. Plant material standards.

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

Response: Noted.

Sec. 807.030. Tree protection measures during construction.

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

Response: Noted.

Sec. 807.035. Installation.

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

Response: Noted.

Sec. 807.040. Irrigation.

- (a) A permanent underground or drip irrigation system with an approved backflow prevention device shall be provided for all landscaped areas required under the UDC; provided, however, a permanent underground or drip irrigation system is not required for:
- (1) Existing healthy vegetation that has been established for at least two years and that is being preserved to meet the landscaping requirements under this chapter;
 - (2) New vegetation that is drought resistant, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material; and
 - (3) New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.
- (b) Wherever feasible, sprinkler heads irrigating lawns or other high-water-demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery, or other reduced-water-requirement areas.

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

Sec. 807.045. Maintenance.

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

Response: Noted.

Sec. 807.050. Compliance/performance assurance.

- (a) Planting and installation of all required landscaping shall be inspected and approved prior to the issuance of a certificate of occupancy; provided, however, a certificate of occupancy may be issued prior to the complete installation of all required landscaping if a performance guarantee equal to 100 percent of the cost of plant materials and labor, as determined by the Planning Administrator, is filed with the City assuring such installation within 12 months after the certificate of occupancy is issued.

-
- (b) A performance guarantee shall consist of a surety bond, cash, certified check, time certificate of deposit, an irrevocable letter of credit, or assignment of savings account in a form approved by the City Attorney and recorded in the deed records of the appropriate county.
 - (c) If the installation of the required landscaping is not completed within the specified period, the performance guarantee may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not properly installed, or not properly maintained shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City to complete the project.

Response: Noted.

Sec. 807.055. Administrative relief.

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

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

Response: Noted, no relief is expected to be requested at this time.

CHAPTER 808. PRESERVATION OF TREES AND VEGETATION**Sec. 808.001. Purpose.**

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

Sec. 808.010. Heritage trees.

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

Response: No heritage trees are present on the site to our knowledge.

Sec. 808.015. Significant trees.

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

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

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

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

Response: No riparian corridor is present on the property.

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

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

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

Sec. 808.030. Tree and vegetation removal permits.**(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:
 - (A) Necessary for maintenance of a vision clearance area, as required in SRC chapter 805;
 - (B) Required by the City or a public utility for the installation, maintenance, or repair of roads or utilities, including water lines, sewer lines, gas lines, electric lines, and telecommunications lines.This exception does not apply to new development or construction in a riparian corridor;

- (C) Removal of a City tree, as defined under SRC 86.010, that is subject to the requirements of SRC chapter 86;
- (D) Necessary for continued maintenance of existing landscaping. For the purposes of this exception, the term "existing landscaping" means an area within a riparian corridor which was adorned or improved through the planting of flowers and trees, contouring the land, or other similar activity prior to June 21, 2000;
- (E) Necessary for the installation, maintenance, or repair of public irrigation systems, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities. Maintenance includes the cleaning of existing drainage facilities and trash removal;
- (F) Removal of invasive non-native or nuisance vegetation in riparian corridors;
- (G) Necessary for public trail or public park development and maintenance;
- (H) Necessary to conduct flood mitigation;
- (I) Necessary to effect emergency actions which must be undertaken immediately, or for which there is insufficient time for full compliance with this chapter, when it is necessary to prevent an imminent threat to public health or safety, prevent imminent danger to public or private property, or prevent an imminent threat of serious environmental degradation. Trees subject to emergency removal must present an immediate danger of collapse. For purposes of this subsection, the term "immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fall and cause damage. The person undertaking emergency action shall notify the Planning Administrator within one working day following the commencement of the emergency activity. If the Planning Administrator determines that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken;
- (J) Removal of a hazardous tree pursuant to an order issued by the City;
- (K) A commercial timber harvest conducted in accordance with the Oregon Forest Practices Act, ORS 527.610—527.992, on property enrolled in a forest property tax assessment program, and which is not being converted to a non-forestland use. Properties from which trees have been harvested under the Oregon Forest Practices Act may not be partitioned, subdivided, developed as a planned unit development, or developed for commercial uses or activities for a period of five years following the completion of the timber harvest;
- (L) Associated with mining operations conducted in accordance with an existing operating permit approved by the Oregon Department of Geology and Mineral Industries under Oregon Mining Claim law, ORS 517.750—517.955;
- (M) Necessary as part of a restoration activity within a riparian corridor undertaken pursuant to an equivalent permit issued by the Oregon Division of State Lands and/or the United States Corps of Engineers; provided, however, that the permittee must provide, prior to the removal, a copy of the permit and all required monitoring reports to the Planning Administrator;
- (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;
- (O) Undertaken pursuant to a tree conservation plan, required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters, approved under SRC 808.035;
- (P) Undertaken pursuant to a tree conservation plan adjustment granted under SRC 808.040; or

- (Q) Undertaken pursuant to a tree variance granted under SRC 808.045.
- (b) *Procedure type.* A tree and vegetation removal permit is processed as a Type I procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree and vegetation removal permit shall include the following:
- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Site topography shown at two-foot contour intervals;
 - (C) The location of any existing structures on the site;
 - (D) The type, size, and location of trees and native vegetation to be preserved or removed;
 - (E) The locations and descriptions of staking or other protective devices to be installed for trees and native vegetation to be preserved; and
 - (F) The site plan may contain a grid or clear delineation of phases that depict separate areas where the work is to be performed.
 - (2) In addition to the information required by subsection (c)(1) of this section, an application for tree or native vegetation removal connected with restoration activity in a riparian corridor shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A conceptual tree and vegetation planting or replanting plan;
 - (C) A completed wetland delineation or determination, if applicable;
 - (D) A grading plan, if grading is planned or anticipated;
 - (E) A verification from the Department of Public Works that erosion control measures will be initiated, if required; and
 - (F) A monitoring and maintenance plan, if required by Oregon Division of State Lands or the United States Corps of Engineers.
 - (3) Waiver of submittal requirements for certain restoration activities in riparian corridors. The Planning Administrator may waive the requirement to submit all or part of the information required by subsections (c)(1) and (2) of this section for a restoration activity in a riparian corridor that affects less than one-quarter acre and does not require a permit from the Oregon Division of State Lands or United States Corps of Engineers.
- (d) *Approval criteria.* An application for a tree and vegetation removal permit shall be granted if one or more of the following criteria are met:
- (1) *Hazardous tree.* The tree removal is necessary because the condition or location of the tree presents a hazard or danger to persons or property; and the hazard or danger cannot reasonably be alleviated by treatment or pruning, or the tree has a disease of a nature that even with reasonable treatment or pruning is likely to spread to adjacent trees and cause such trees to become hazardous trees.
 - (2) *Repair, alteration, or replacement of existing structures.* The tree or native vegetation removal is reasonably necessary to effect the otherwise lawful repair, alteration, or replacement of an existing structure, the footprint of the repaired, altered, or replacement structure is not enlarged, and no additional riparian corridor area is disturbed beyond that essential to the repair, alteration, or replacement of the existing structure.
 - (3) *Water-dependent activities.* The tree or native vegetation removal is necessary for the development of a water-dependent activity, and no additional riparian corridor area will be disturbed beyond that essential to the development of the water-dependent activity.
 - (4) *Restoration activity within riparian corridor.* The tree or native vegetation removal is required for a restoration activity within a riparian corridor designed to improve the habitat, hydrology, or water quality function of the riparian corridor, and:
 - (A) The short-term impacts of the restoration activity will be minimized;
 - (B) Effective erosion control measures will be implemented;
 - (C) All necessary permits have been applied for or obtained; and

- (D) No trees or native vegetation will be removed unless the removal is justified for the long term benefit of the environment and is in keeping with acceptable riparian restoration guidance.
- (5) *Removal of significant tree in connection with the construction of a development other than single family, two family, three family, four family, or cottage cluster.* The removal of the significant tree is necessary for the construction of a development other than single family, two family, three family, four family, or cottage cluster and:
 - (A) Without approval of the tree removal permit the proposed development cannot otherwise meet the applicable development standards of the UDC without a variance or adjustment.
 - (B) There are no reasonable design alternatives that would enable preservation of the tree. In determining whether there are no reasonable design alternatives, the following factors, which include but are not limited to the following, shall be considered:
 - (i) *Streets.* The removal is necessary due to:
 - (aa) The location and alignment of existing streets extended to the boundary of the subject property;
 - (bb) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);
 - (cc) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;
 - (dd) Any relocation of the proposed street resulting in lots that do not meet lot standards;
 - (ee) A required boundary street improvement.
 - (ii) *Utilities.* The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.
 - (iii) *Site topography.* The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.
- (e) *Conditions of approval.*
 - (1) Conditions may be imposed on the approval of a tree and vegetation removal permit to ensure compliance with the approval criteria.
 - (2) In addition to the conditions imposed under subsection (e)(1) of this section, tree and vegetation removal permits for the removal of trees or native vegetation in connection with a restoration activity within a riparian corridor shall include the following condition:
 - (A) Trees and native vegetation removed shall be replaced in compliance with the tree and native vegetation replacement standards set forth in SRC 808.055.

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

Sec. 808.035. Tree conservation plans.

- (a) *Applicability.* A tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.
- (b) *Procedure type.* A tree conservation plan is processed as a Type I procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree conservation plan shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Proposed lot or parcel lines;

-
- (C) Site topography shown at two-foot contour intervals or, when grading of the property will be necessary to accommodate the proposed development, preliminary site grading shown at two-foot contour intervals;
 - (D) Identification of slopes greater than 25 percent;
 - (E) The location of any existing structures on the site;
 - (F) Identification of the type, size, location, and critical root zone of all existing trees on the property;
 - (G) Identification of those trees proposed for preservation and those designated for removal;
 - (H) The location of all utilities and other improvements;
 - (I) Required setbacks for the proposed lots or parcels;
 - (J) The locations and descriptions of staking or other protective devices to be used during construction; and
 - (K) The site plan may contain a grid or clear delineation of phases that depict separate areas in which work is to be performed and identification of those trees proposed for preservation and those designated for removal with each phase.
- (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, the tree conservation plan shall include:
- (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A description of the vegetation within the riparian corridor;
 - (C) A tree and native vegetation replanting plan, in compliance with the standards set forth in SRC 808.055, if trees and native vegetation within the riparian corridor are proposed for removal.
- (3) An arborist report identifying the critical root zone for any non-significant tree whose critical root zone is proposed to be determined by an arborist.
- (4) For tree conservation plans designating less than 30 percent of the trees on the property for preservation, an explanation of how the mitigation measures of SRC 808.035(e) will be met.
- (d) *Approval criteria.*
- (1) An application for a tree conservation plan shall be granted if the following criteria are met:
- (A) No heritage trees are designated for removal.
 - (B) No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees.
 - (C) No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation.
 - (D) Not less than 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees.
 - (E) When less than 30 percent of all trees located on the property are designated for preservation, the mitigation measures required under SRC 808.035(e) are met.
- (2) When an approval criterion in this subsection requires a determination that there are no reasonable design alternatives that would enable preservation of a tree(s), the following factors, which include but are not limited to the following, shall be considered in making such determination:
- (A) *Streets.* The removal is necessary due to:
 - (i) The location and alignment of existing streets extended to the boundary of the subject property;
 - (ii) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);
 - (iii) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;
 - (iv) Any relocation of the proposed street resulting in lots that do not meet lot standards;
 - (v) A required boundary street improvement.
 - (B) *Utilities.* The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.

-
- (C) *Site topography.* The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.
- (D) *Dwelling unit density.* The removal is necessary in order to meet a minimum dwelling unit density of 5.5 dwelling units per acre. In consideration of this factor:
- (i) Not more than 15 percent of the proposed dwelling units within the development shall be required to be designated for middle housing in order to meet density requirements and demonstrate there are no reasonable design alternatives enabling preservation of a tree(s); and
 - (ii) The following may be excluded from the total site area for purposes of calculating density:
 - (aa) Riparian corridors, provided the riparian corridor is not graded or developed;
 - (bb) Areas of the site with slopes exceeding 25 percent, provided such areas are not graded or developed; and
 - (cc) Open space that will preserve significant natural features, provided the perpetual maintenance and operation of the open space is provided by a home owners' association.
- (e) *Mitigation measures.* When less than 30 percent of all trees located on a property are designated for preservation under a tree conservation plan, any combination of one or more of the following mitigation measures shall be provided for each tree removed in excess of 70 percent:
- (1) *Residential density increase.* One middle housing dwelling unit or accessory dwelling unit shall be provided within the development for each tree removed. Any dwelling unit provided pursuant to this subsection is required in addition to the density requirements otherwise applicable in the zone. The lot(s) within the development that will be developed with the middle housing dwelling unit(s) or accessory dwelling unit(s) shall be specified in the conditions of the associated land division approval.
 - (2) *Solar power off-set.* One 25-year 3-kilowatt solar array shall be provided for each tree removed. The lot(s) where the solar array(s) will be located shall be specified in the conditions of the associated land division approval.
 - (3) *Electric vehicle charging.* One level 2 240-volt residential electric vehicle charging station shall be provided for each tree removed. The lot(s) where the charging stations will be located shall be specified in the conditions of the associated land division approval.
 - (4) *Open space lot.* One or more lots within the development shall be designated as an open space lot planted at a minimum density of two trees for each tree removed. The replanted trees shall be of either a shade or evergreen variety with a minimum caliper of 1.5 inches. The lot(s) within the development that will be designated as an open space lot shall be specified in the conditions of the associated land division approval and shall be perpetually operated and maintained by a home owners' association.
- (f) *Conditions of approval.*
- (1) Conditions may be imposed on the approval of a tree conservation plan to ensure compliance with the approval criteria.
 - (2) In addition to any conditions imposed under subsection (e)(1) of this section, every tree conservation plan shall include the following conditions:
 - (A) All trees and native vegetation designated for preservation under the tree conservation plan shall [be] protected during construction as set for in SRC 808.046.
 - (B) Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.
- (g) *Expiration.* A tree conservation plan shall remain valid as long as the development proposal the tree conservation plan is issued in connection with remains valid.

Response: Section not applicable.

Sec. 808.040. Tree conservation plan adjustments.

- (a) *Applicability.*
 - (1) Except as provided under subsection (a)(2) of this section, no tree or native vegetation designated for preservation in a tree conservation plan shall be removed unless a tree conservation plan adjustment has been approved pursuant to this section.
 - (2) Exceptions. A tree conservation plan adjustment is not required for:
 - (A) A tree that has been removed due to natural causes; provided, however, that evidence must be provided to the Planning Administrator demonstrating the removal was due to natural causes.
 - (B) Removal of a hazardous tree, subject to a tree and vegetation removal permit issued under SRC 808.030.
 - (C) Removal necessary to effect emergency actions excepted under SRC 808.030(a)(2)(H).
- (b) *Procedure type.* A tree conservation plan adjustment is processed as a Type I procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree conservation plan 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 the following information:
 - (A) The total site area, dimensions, and orientation relative to north; and
 - (B) Identification of the type, size, and location of those trees proposed for removal under the tree conservation plan adjustment.
 - (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, an application for a tree conservation plan adjustment shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan; and
 - (B) Identification of the type and location of any native vegetation within the riparian corridor proposed for removal under the tree conservation plan adjustment.
 - (3) For tree conservation plan adjustments resulting in less than 30 percent of the trees in the original tree conservation plan being designated for preservation, an explanation of how the mitigation measures of SRC 808.040(e) will be met.
- (d) *Approval criteria.*
 - (1) A tree conservation plan adjustment shall be approved if the following criteria are met:
 - (A) There are special conditions that could not have been anticipated at the time the tree conservation plan was submitted that create unreasonable hardships or practical difficulties which can be most effectively relieved by an adjustment to the tree conservation plan.
 - (B) When the tree conservation plan adjustment proposes the removal of a significant tree, there are no reasonable design alternatives that would enable preservation of the tree.
 - (C) When the tree conservation plan adjustment proposes the removal of a tree or native vegetation within a riparian corridor, there are no reasonable design alternatives that would enable preservation of the tree or native vegetation.
 - (D) When the tree conservation plan adjustment proposes to reduce the number of trees preserved in the original tree conservation plan below 30 percent, there are no reasonable design alternatives that would enable preservation of the tree and only those trees reasonably necessary to accommodate the proposed development are designated for removal.
 - (E) When less than 30 percent of the trees in the original tree conservation plan are designated for preservation, the mitigation measures required under SRC 808.040(e) are met.
 - (2) When an approval criterion in this section requires a determination that there are no reasonable design alternatives that would enable preservation of a tree(s), the following factors, which include but are not limited to the following, shall be considered in making such determination:
 - (A) *Streets.* The removal is necessary due to:
 - (i) The location and alignment of existing streets extended to the boundary of the subject property;

-
- (ii) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);
 - (iii) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;
 - (iv) Any relocation of the proposed street resulting in lots that do not meet lot standards;
 - (v) A required boundary street improvement.
 - (B) *Utilities*. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.
 - (C) *Site topography*. The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.
 - (D) *Dwelling unit density*. The removal is necessary in order to meet a minimum dwelling unit density of 5.5 dwelling units per acre. In consideration of this factor:
 - (i) Not more than 15 percent of the proposed dwelling units within the development shall be required to be designated for middle housing in order to meet density requirements and demonstrate there are no reasonable design alternatives enabling preservation of a tree(s); and
 - (ii) The following may be excluded from the total site area for purposes of calculating density:
 - (aa) Riparian corridors, provided the riparian corridor is not graded or developed;
 - (bb) Areas of the site with slopes exceeding 25 percent, provided such areas are not graded or developed; and
 - (cc) Open space that will preserve significant natural features, provided the perpetual maintenance and operation of the open space is provided by a home owners' association.
 - (e) *Mitigation measures*. When a tree conservation plan adjustment results in less than 30 percent of the trees in the original tree conservation plan being designated for preservation, any combination of one or more of the following mitigation measures shall be provided for each tree removed in excess of 70 percent.
 - (1) *Residential density increase*. One middle housing dwelling unit or accessory dwelling unit shall be provided for each tree removed. Any dwelling unit provided pursuant to this subsection is required in addition to the density requirements otherwise applicable in the zone.
 - (2) *Solar power off-set*. One 25-year 3-kilowatt solar array shall be provided for each tree removed.
 - (3) *Electric vehicle charging*. One level 2 240-volt residential electric vehicle charging station shall be provided for each tree removed.
 - (4) *Replanting*. Two new trees shall be planted for each tree removed. The replanted trees shall be of either a shade or evergreen variety with a minimum caliper of 1.5 inches.
 - (f) *Conditions of approval*. Conditions may be imposed on the approval of a tree conservation plan adjustment to ensure compliance with the approval criteria and to fulfill the intent of the original tree conservation plan, including requiring additional plantings on or off site.

(Prior Code, § 808.040; Ord. No. 31-13; Ord. No. 13-21, § 1(Exh. A), 2-14-2022)

Response: Section not applicable.

Sec. 808.045. Tree variances.

- (a) *Applicability*. Tree variances may be granted to allow deviation from the requirements of this chapter where the deviation is reasonably necessary to permit the otherwise lawful development of a property.
- (b) *Procedure type*. A tree variance is 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 tree variance shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of any existing structures on the site;

-
- (C) Identification of the type, size, and location of all existing trees on the property;
 - (D) Identification of those trees proposed for preservation and those designated for removal; and
 - (E) The location of roads, bridges, utilities, and other improvements;
 - (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, an application for a tree variance shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) Identification of the type and location of any native vegetation within the riparian corridor proposed for removal.
 - (d) *Approval criteria.* A tree variance shall be granted if either of the following criteria is met:
 - (1) *Hardship.*
 - (A) There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance; and
 - (B) The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity; or
 - (2) *Economical use.*
 - (A) Without the variance, the applicant would suffer a reduction in the fair market value of the applicant's property, or otherwise suffer an unconstitutional taking of the applicant's property;
 - (B) The proposed variance is the minimum necessary to prevent a reduction in the fair market value of the applicant's property or otherwise avoid a taking of property; and
 - (C) The proposed variance is consistent with all other applicable local, state, and federal laws.
 - (e) *Conditions of approval.*
 - (1) Conditions may be imposed on the approval of a tree variance to ensure compliance with the approval criteria and to limit any adverse impacts that may result from granting the tree variance.
 - (2) In addition to any condition imposed under subsection (e)(1) of this section, where a variance is proposed to the requirements for the preservation of trees and native vegetation in riparian corridors, the approval shall include the following conditions:
 - (A) Altered riparian corridor areas that can be reasonably restored, shall be restored; and
 - (B) In no case shall alterations to the riparian corridor:
 - (i) Occupy more than 50 percent of the width of the riparian corridor measured from the upland edge of the corridor; or
 - (ii) Result in less than 15 feet of vegetated corridor on each side of the waterway.

(Prior Code, § 808.045; Ord. No. 31-13)

Response: Section not applicable.

Sec. 808.046. Protection measures during construction.

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

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

- (B) Fences, patios, landscaping and irrigation, and accessory and similar structures that do not require a building permit, may be placed or constructed within the critical root zone of a tree.
- (b) *Native vegetation.* All native vegetation shall be protected during construction with the installation of an above ground silt fence, or its equivalent.
 - (1) The above ground silt fence shall be located around the perimeter of the native vegetation.
 - (2) Within the area protected by the above ground silt fence, native vegetation shall not be removed and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.
- (c) *Duration.* Protection measures required under this section shall remain in place until issuance of notice of final completion for the dwelling unit(s) on the lot, or issuance of certificate of occupancy in all other cases.

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

Sec. 808.050. Tree planting requirements.

- (a) Within development proposals for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1.
- (b) If there are insufficient existing trees on a lot or parcel to satisfy the number of trees required under Table 808-1, additional trees sufficient to meet the requirement shall be planted. The additional trees shall be a minimum 1.5-inch caliper.
- (c) When a lot includes one or more significant trees that have been designated for preservation under a tree conservation plan, the number of trees required to be replanted on the lot may be reduced by a ratio of two trees for each significant tree preserved on the lot.

TABLE 808-1. TREE PLANTING REQUIREMENTS	
Lot or Parcel Size	Minimum Trees Required
Less than 4,000 ft. ²	1
4,000 ft. ² to 6,000 ft. ²	2
6,001 ft. ² to 7,000 ft. ²	3
7,001 ft. ² to 8,000 ft. ²	4
8,001 ft. ² to 9,000 ft. ²	5
Greater than 9,000 ft. ²	6

Response: Section not applicable.

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

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

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

(Prior Code, § 808.055; Ord. No. 31-13)

Response: Section not applicable

Sec. 808.060. Tree canopy preservation fund.

- (a) Funds collected from any grants and donations for the planting, maintenance, and preservation of trees shall go into a tree canopy preservation fund, of which 95 percent of such funds shall be designated for the

acquisition, maintenance, and preservation of groves of trees within the City or the Salem-Keizer Urban Growth boundary. The remaining five percent shall be used to promote the planting of new trees as follows, at the discretion of the Director:

- (1) In a public or private park, school yard, riparian corridor, or nature area;
 - (2) In public rights-of-way, except in storm or sewer easements; or
 - (3) In the form of a donation to nonprofit organizations for the purposes of planting trees within the City or the Salem-Keizer Urban Growth boundary.
- (b) The City shall conduct a tree canopy study every census year, using the most economically feasible method, for the purposes of measuring the effectiveness of this chapter and other development-related ordinances in preserving and improving the amount of tree canopy area within the City or the Salem-Keizer Urban Growth boundary.

(Prior Code, § 808.060; Ord. No. 31-13; Ord. No. 13-21, § 1(Exh. A), 2-14-2022)

Response: Section not applicable

Sec. 808.065. Enforcement.

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

- (a) *Stop work order.* If the applicant's site plan contains a grid or phases that designate areas in which work is to be performed, only that grid area or phase in which any violation occurred shall be affected by any stop work order.
- (b) *Permit revocation.* In addition to the grounds set forth under SRC 110.110, a permit may be revoked if the work is a hazard to property or public safety; is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, waterway, riparian corridors, significant wetlands or storm water facility; or is otherwise adversely affecting the public health, safety, or welfare.
- (c) *Replanting and restoration.*
 - (1) Persons violating this chapter, or any permit issued hereunder, shall be responsible for providing mitigation for trees and/or native vegetation removed and restoring damaged areas through implementation of a replanting and restoration plan approved by the Planning Administrator. The plan shall require replanting for the trees and/or native vegetation removed and provide for the repair of any environmental or property damage in order to restore the site to a condition which, to the greatest extent practicable, would have existed had the violation not occurred, as verified by a qualified professional.
 - (2) The planting and restoration costs included in the plan shall be equal to the monetary value of the regulated trees and/or native vegetation removed in violation of this chapter, or permit issued hereunder, as set forth in an appraisal acceptable to the Planning Administrator based upon the latest edition of "Guide for Plant Appraisals" (International Society of Arboriculture, Council of Tree and Landscape Appraisers).
 - (3) Notwithstanding SRC 808.065(c)(2), when it is not possible to replant enough trees and/or native vegetation in the area to equal the appraised value of the trees and/or native vegetation unlawfully removed, the net remaining balance required to equal the appraised value of the trees and/or native vegetation unlawfully removed shall be assessed as a fee which shall be paid into the Salem City Tree Fund established under SRC chapter 86.
- (d) *Prohibition of further approvals.* The City shall not issue a notice of final completion for property on which a violation of this chapter has occurred or is occurring, until the violation has been cured by restoration or other means acceptable to the Planning Administrator and any penalty imposed for the violation is paid.
- (e) *Injunctive relief.* The City may seek injunctive relief against any person who has willfully engaged in a violation of SRC 808.035 or SRC 808.040, such relief to be in effect for a period not to exceed five years.

Response: Noted.