

## **Lancaster Gardens Apartments - Multi-Family**

### **TABLE OF CONTENTS**

#### **I. PROJECT DESCRIPTION**

#### **II. SITE DESCRIPTION/EXISTING CONDITIONS**

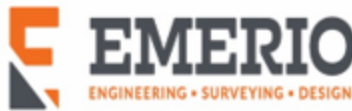
#### **III. RESPONSE TO APPLICABLE CODE STANDARDS & APPROVAL CRITERIA**

##### **CITY OF SALEM UNIFIED DEVELOPMENT CODE TITLE X**

SRC: 205.055: Property Line Adjustments  
SRC: 220.005: Site Plan Review  
SRC: 225.005: Design Review  
SRC: 250.005: Adjustments  
SRC: 514.010: Development Standards  
SRC: 702.000: Multiple Family Design Review Standards  
SRC: 800.000: Development Standards  
SRC: 802.000: Public Improvements  
SRC: 803.000: Streets and Right-Of-Way Improvements  
SRC: 807.000: Landscaping and Screening  
SRC: 808.000: Preservation of Trees and Vegetation

#### **IV. CONCLUSION**

---



---

## I. PROJECT DESCRIPTION

**APPLICANT:** Ron Halter  
PO Box 2810  
Wilsonville, OR 97070

**CIVIL ENGINEER,  
PLANNING &**

**SURVEYOR:** Emerio Design, LLC  
6445 SW Fallbrook Pl., Suite 100  
Beaverton, OR 97008

Roy Hankins, P.E. – Director of Operations (Eugene)  
(503) 746-8812  
[roy@emeriodesign.com](mailto:roy@emeriodesign.com)

Jennifer Arnold, Senior Land Use Planner  
(503) 746-8812  
[jarnold@emeriodesign.com](mailto:jarnold@emeriodesign.com)

### SITE

**LOCATION:** The approximate .88-acre located at 3705 D Street NE & 1074 37<sup>th</sup> Street NE on the north side of D Street NE and on the west side of 37<sup>th</sup> Place NE.

**TAX LOTS:** Marion County Assessor Map and Tax Lot 072W19CC / 03000, 03100, & 03200

**SITE SIZE:** The subject site totals approximately .88 acres in size.

**ZONING:** RM-2 - Multi-Family Residential City of Salem, Oregon

**REQUEST:** The applicant is seeking approval to expand the Lancaster Garden Apartments developments to include three additional buildings for a total of 24 new units

---

## II. SITE DESCRIPTION/EXISTING CONDITIONS

The subject property is 0.88 acres (38,907 sf) and generally flat. The property consists of three legal lots of record and the applicant proposes to combine existing tax lots 03000, 03100, and 03200 into one unit of land and make minor property line adjustments to the western and northern property lines to accommodate parking outside required setback areas. The site is currently vacant and previously occupied as a group home for adults with developmental disabilities. No existing trees are present on the property, but the applicant proposes to plant approximately 24 new trees and 52 shrubs throughout the property.

### III. RESPONSE TO APPLICABLE CODE STANDARDS & APPROVAL CRITERIA

#### SRC-205.055- Property line adjustment

**Applicability.** A property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body. Property line adjustments shall not be used to create an additional unit of land, or to create units of land that are non-conforming. No property line shall be relocated or eliminated without property line adjustment approval as set forth in this section.

**Procedure type.** A property line adjustment is processed as a Type I procedure under SRC chapter 300.

**Submittal requirements.** In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a property line adjustment shall include:

1. A copy of recorded deeds for the existing units of land;
2. A site plan, drawn to scale, indicating:
  - a. The dimensions and areas of the units of land before and after the proposed property line adjustment;
  - b. Setbacks, building separations, lot coverage, vehicular access, and public and private utilities;
3. Proof of ownership including, but not limited to, a preliminary title report not older than 30 days for each affected property at the time the application is submitted;
4. Any additional documents required to establish that the unit(s) of land were legally created;
5. A copy of the draft property line adjustment deed(s), in a form approved by the Director, containing:
  - a. The names of the owners;
  - b. Legal descriptions of the adjusted property(ies) and the transacted property prepared and sealed by an Oregon-registered Professional Land Surveyor;
  - c. References to original recorded deeds including the creation date and instrument used to lawfully establish each unit of land; and
  - d. A place for the signatures of all parties, along with proper notary acknowledgment.

**Applicant Response: The applicant understands the submittal requirements for the proposed property line adjustment. A proposed plat and required submittal items have been included with this application.**

**Criteria.** A property line adjustment shall be approved if all of the following criteria are met:

6. The property line adjustment will not create an additional unit of land;
7. The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;

8. The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;
9. The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;
10. The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and
11. The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.

Multiple property line adjustments. If more than three property line adjustment applications affecting the same unit of land are proposed within a six-month period, the property line adjustments shall be processed as follows:

12. When the units of land are within a recorded plat, the property line adjustments affecting the units of land shall be by replat; and
13. When the units of land are not within a recorded plat, the property line adjustments affecting the units of land shall be by partition.

Monumentation recording.

14. Property line adjustments shall be surveyed, monumented, and recorded as required by state law. Prior to recording the record of survey map with the county:
  - a. The City Surveyor shall review the final property line adjustment deed document(s) and an updated preliminary title report, not older than 30 days from the date of the review, and certify that it:
    - i. Identifies the correct owners of each property;
    - ii. Identifies the grantor and grantee in the correct manner;
    - iii. Includes, when applicable, references to any easements of record;
    - iv. Includes a legal description(s) that:
      - a. Accurately describes the adjusted property(ies) and the properties being conveyed;
      - b. Contains bearing and distance calls that mathematically close; and
      - c. Contain, when applicable, correct references to artificial and natural monuments along adjoining property(ies). (v) Correctly represents the areas in each legal description; and (vi) Complies with the requirements of state law.
  - b. The applicant shall record the final property line adjustment deed(s) document; and
  - c. The City Surveyor shall review the record of survey map to ensure:
    - i. That the record of survey map conforms with the property line adjustment deeds; and
    - ii. Compliance with state law and this section.

Expiration.

15. Property line adjustment approval shall expire as provided in SRC 300.850, unless the approved property line adjustment deed and record of survey map are recorded with the county.
16. Multiple property line adjustments processed according to subsection (e) of this section shall expire as provided in SRC 300.850 according to the expiration period specified for the required application.
17. Evidence demonstrating that the approved property line adjustment deed and record of survey map, when required under subsection (f) of this section, have been recorded with the county shall be provided to the Director.

**Applicant Response: The applicant proposes a property line adjustment in order to remove interior property lines of tax lots 3000, 3100, and 3200. No increase in the existing number of lots is proposed and no new lots are to be created with this application. As proposed, the property line adjustment does not create any nonconforming lots. Each parcel was legally created and further described in the ownership information included with this application. Two additional property line adjustments are proposed along the west and northern most property line. A PLA sequence exhibit including draft deed descriptions has been included with this application to demonstrate the proposed order of steps necessary to complete the desired parcel. No previous land use approval has been identified which would prohibit the proposed property line adjustment. No proposed elimination or relocation of existing easements with this application. The proposed property line adjustment does not adversely affect the availability or access to public and private utilities or streets. This application proposes to follow the process for multiple PLA applications. The applicant is working with a licensed professional land surveyor to meet all monumentation and recording requirements listed above. The applicant understands the expiration policy upon approval of the application. The criteria are met.**

**SRC-205.060- Validation of unit of land**

- A. Applicability. The purpose of this section is to provide a process whereby a unit of land unlawfully created may be lawfully established. This section shall only be used to validate units of land created before January 1, 2007. For purposes of this section:
  1. A unit of land is unlawfully created if the unit of land was created through a sale that did not comply with the criteria applicable to the creation of the unit of land at the time of sale; and
  2. A unit of land does not include a unit of land created solely to establish a separate tax account, a unit of land created by gift, or a unit of land created through any other method that is not considered a sale.
- B. Procedure type. A validation of a unit of land 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 the validation of a unit of land shall include the following information:
1. The recorded deed or land sales contract that created the unit of land;
  2. For a unit of land unlawfully created within the City, a copy of the land division and zoning regulations applicable to the property at the time the unit of land was created;
  3. For a unit of land unlawfully created outside the City, a written statement from the county identifying the zoning of the property at the time the unit of land was created and either:
    - a. A written statement from the county confirming the unit of land could have complied with the applicable criteria for creation of the unit of land in effect when it was created; or
    - b. A copy of the land division and zoning regulations applicable to the property at the time the unit of land was created; and
  4. A plat prepared in accordance with SRC 205.035 and ORS 92.
- D. Criteria. The validation of a unit of land shall be approved if the following criteria are met:
1. The unit of land is not a lawfully established unit of land;
  2. The unit of land was created through sale by deed or land sales contract executed and recorded before January 1, 2007;
  3. The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold; and
  4. The plat complies with SRC 205.035 and ORS 92.
- E. Exception. Notwithstanding subsection (d)(3) of this section, the Review Authority may approve an application to validate a unit of land that was unlawfully created prior to January 1, 2007, if approval was issued for a permit to allow the construction or placement of a dwelling or other building on the unit of land after the sale.
- F. Expiration; recording.
1. The validation of a unit of land shall expire as provided under SRC 300.850 unless the plat of the validated unit of land is recorded with the applicable county.
  2. A copy of the recorded plat shall be provided to the Director within 30 days of the date of recording with the county.
- G. Effect of validation of unit of land. Development or improvement of a unit of land validated pursuant to this section must comply with all applicable requirements of the UDC in effect at the time a complete application for development or improvement of the unit of land is submitted.

**Applicant Response: Deed, ownership and plat information has been submitted with this application. All units of land associated with this application has been legally created per the above requirements.**

**SRC-220.005- Site plan review**

- A. Applicability.
1. Except as provided in subsection (a)(2) of this section, site plan review approval is required:

- a. Prior to issuance of a building permit, for any development that requires a building permit;
- b. Prior to a change of use, when a building permit is not otherwise required; and
- c. Prior to commencement of work, for any of the following when a building permit is not otherwise required:
  - i. Development of a new off-street parking or vehicle use areas;
  - ii. Expansion of an existing off-street parking or vehicle use areas, when additional paved surface is added;
  - iii. Alteration of an existing off-street parking or vehicle use areas, when the existing paved surface is replaced with a new paved surface;
  - iv. Paving of an unpaved area; and
  - v. Restriping of an off-street parking or vehicular use areas, when the layout will be reconfigured.

2. Exemptions.

- a. The following development that requires a building permit is exempt from site plan review:
  - i. Development of a single family use, two family use, three family use, four family use, or cottage cluster on an individual lot, including the construction of accessory structures and paving associated with such uses.
  - ii. Sign installation.
  - iii. Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.
  - iv. The alteration to the facade of a building except in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones.
  - v. Interior construction or tenant improvements that involve no change of use or occupancy.
  - vi. Demolition permit.
  - vii. Construction of a fence.
- b. Any of the activities identified under subsection (a)(1)(C) of this section are exempt from site plan review if they are for a single family use, two family use, three family use, four family use, or cottage cluster on an individual lot.

B. Classes. The three classes of site plan review are:

- 1. Class 1 site plan review. Class 1 site plan review is site plan review for any development under subsection (a)(1) of this section that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves either:
  - a. A change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required; or
  - b. A change of use when a building permit is not otherwise required.

2. Class 2 site plan review. Class 2 site plan review is site plan review for any development under subsection (a)(1) of this section, other than development subject to Class 1 site plan review, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.
3. Class 3 site plan review. Class 3 site plan review is site plan review for any development under subsection (a)(1) of this section that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:
  - a. Requires a Transportation Impact Analysis pursuant to SRC chapter 803;
  - b. Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;
  - c. Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;
  - d. Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;
  - e. Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or
  - f. Involves the imposition of conditions of approval; or
  - g. Requires a variance, adjustment, or conditional use permit.

**Applicant Response: This application requires a land use application process and therefore this review requires a class 3 review.**

- C. Procedure type.
  1. Class 1 site plan review is processed as a Type I procedure under SRC chapter 300.
  2. Class 2 site plan review is processed as a Type I procedure under SRC chapter 300.
  3. Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.
  4. An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.
- D. Submittal requirements for Class 1 site plan review. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 site plan review shall include a completed application form that shall contain the following information:
  1. The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
  2. The address or location of the subject property and its assessor's map and tax lot number;
  3. The size of the subject property;
  4. The comprehensive plan designation and zoning of the subject property;
  5. The type of application(s);



6. A brief description of the proposal; and
  7. Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
- E. Submittal requirements for Class 2 and Class 3 site plan review.
1. Class 2 site plan review. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for Class 2 site plan review shall include the following:
    - a. 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:
      - i. The total site area, dimensions, and orientation relative to north;
      - ii. The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;
      - iii. Loading areas, if included in the proposed development;
      - iv. The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;
      - v. An indication of future phases of development on the site, if applicable;
      - vi. All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;
      - vii. The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
      - viii. The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
      - ix. The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC chapter 86; and
      - x. Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
    - b. An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
      - i. The total site area, dimensions, and orientation relative to north;
      - ii. The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and
      - iii. The location of the 100-year floodplain, if applicable.

- c. A grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property will be necessary to accommodate the proposed development.
  - d. A completed trip generation estimate for the proposed development, on forms provided by the City.
  - e. Building elevation drawings for any proposed new buildings and any exterior additions or alterations to existing buildings when the height of the building, or a portion of the building is changed.
  - f. For development in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones, architectural drawings, renderings, or sketches showing all elevations of the existing buildings and the proposed buildings as they will appear on completion.
2. Class 3 site plan review. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:
- a. All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;
  - b. The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;
  - c. Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;
  - d. The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;
  - e. The location of drainage patterns and drainage courses, if applicable;
  - f. A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services;
  - g. Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;
  - h. A geological assessment or geotechnical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and
  - i. A Transportation Impact Analysis, if required by SRC chapter 803.

**Applicant Response: Proper site plans including all required information listed above have been submitted with this application.**

F. Criteria.

1. Class 1 site plan review. An application for a Class 1 site plan review shall be granted if:

- a. The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;
  - b. Only construction or improvements to the interior of the building or structure will be made;
  - c. The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or buffer yards;
  - d. Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and
  - e. The application meets all applicable standards of the UDC.
2. Class 2 site plan review. An application for a Class 2 site plan review shall be granted if:
- a. Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.
  - b. The application meets all the applicable standards of the UDC.
3. Class 3 site plan review. An application for Class 3 site plan review shall be granted if:
- a. The application meets all applicable standards of the UDC;
  - b. The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;
  - c. Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
  - d. The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

**Applicant Response: Site plan materials addressing the above Class 3 site plan criteria have been included with this application. The subject site has adequate access to public facilities for utilities and transportation. Driveway's, drive aisles, and parking areas are clearly shown on the stie plan to show compliance with the above standards. The criteria are met.**

**SRC-225.005- Design review**

- A. Applicability. Design review approval is required for development applications that are subject to design review standards and guidelines.
- B. Classes.
  - 1. Class 1 design review is design review that requires the application of design review standards only.
  - 2. Class 2 design review is design review that requires the application of design review guidelines, for projects that are limited to building alterations that will be contained

within the footprint of the existing building and utilize the same building materials and same window and facade designs.

3. Class 3 design review is design review that requires the application of design review guidelines.
  4. If any portion of the proposed development does not meet all of the applicable design review standards, the entire development shall be subject to Class 3 design review.
- C. Procedure type.
1. Class 1 design review is processed as a Type I procedure under SRC chapter 300.
  2. Class 2 design review is processed as a Type II procedure under SRC chapter 300.
  3. Class 3 design review is processed as a Type III procedure under SRC chapter 300.
- D. Submittal requirements.
1. Submittal requirements for pre-application conference. In addition to the submittal requirements for a pre-application conference under SRC chapter 300, an application for a Class 1, Class 2, or Class 3 design review pre-application conference shall include the following:
    - a. An existing conditions plan showing:
      - i. Existing site conditions;
      - ii. The use of all adjacent buildings;
      - iii. The zoning of the site and adjacent properties;
      - iv. Topography of the site; and
      - v. Location of all trees and prominent landscape features.
    - b. Schematic plans for the proposed development.
  2. Submittal requirements for Class 1, Class 2, and Class 3 design review. In addition to the submittal requirements set forth under SRC chapter 300, an application for Class 1, Class 2, or Class 3 design review shall include the following:
    - a. A proposed site plan showing:
      - i. The complete dimensions and setbacks of the lot, and all existing and proposed buildings and structures, including the location, size, height, proposed use, design, and gross floor area of each building.
      - ii. All existing and proposed walls and fences, including the location, height, type of design, and composition.
      - iii. The location and design of the existing and proposed on-site pedestrian and vehicle circulation system.
      - iv. Locations and dimensions of all existing and proposed outdoor storage areas, including, but not limited to, trash collection and recycling areas.
    - b. Architectural drawings, renderings, or sketches showing all elevations of proposed buildings as they will appear on completion.
    - c. A landscape plan showing the location of natural features, trees, and plant materials proposed to be removed, retained, or planted; the amount, height, type, and location of landscaped areas, planting beds, and plant materials and provisions for irrigation.

- d. A topographic survey and grading plan showing two-foot contour intervals on hillside lots and five-foot contour intervals on all other lots.
- e. An open space plan showing locations of common and private open space, including active and passive recreational areas. The open space plan shall show the total area of individual classifications of proposed open space and shall be drawn to scale.
- f. A statement as to whether the application is intended to meet the standards or the guidelines.

E. Criteria.

- 1. A Class 1 design review shall be approved if all of the applicable design review standards are met.
- 2. A Class 2 or Class 3 design review shall be approved if all of the applicable design review guidelines are met.

- F. Conditions of approval. Notwithstanding SRC 300.820, the Review Authority may not attach conditions to a Class 1 design review approval.

**Applicant Response: Materials have been submitted to meet the requirements listed above for a class 3 design review. Site plan materials have been submitted to show compliance with the above standards for a class 3 design review.**

**SRC-205.005- Adjustments**

(a) Applicability.

(1) Classes.

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

**Applicant Response: The applicant seeks approval of a Class 2 adjustment from the standard. The request is to adjust numerical development standards but more than 20%.**

**The first proposal is to allow the vehicle use area to be within the setback along the west and northern property lines without additional setbacks for the vehicle use area to the property line. The applicant proposes vehicle parking outside the required setback areas but the maneuvering in and out of parking spaces (the vehicle use area) is within the setback area without any additional setback to the property line. The vehicle use area is still shown within the private street of 37<sup>th</sup> Avenue NE (western property line) and the existing drive aisle along the northern property line. These property lines are also proposed to be adjusted (as shown on the submitted plans) through the PLA process but cannot be adjusted further while maintaining setback compliance for existing structures. The applicant requests that the setback for the vehicle use area to the property line is zero feet.**

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

**Applicant Response: The applicant does not propose to adjust any prohibited use or activity. Additionally, the applicant does not propose to change the status or activity, or modify definitions, classifications, use standard, applicability of any requirement, a procedural requirement, a condition of approval, or a standard containing the word “prohibited” with this application. Also, a request to adjust a design review guideline or standard is not included with this application and the site is not within the IBC zone.**

- (b) *Procedure type.* Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:
- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
    - (A) The total site area, dimensions, and orientation relative to north;
    - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
    - (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
    - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
    - (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and

- (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
  - (A) The total site area, dimensions, and orientation relative to north;
  - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
  - (C) The location of the 100-year floodplain, if applicable; and
  - (D) The location of drainage patterns and drainage courses, if applicable.
- (d) Criteria.
  - (1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:
    - (A) The purpose underlying the specific development standard proposed for adjustment is:
      - (i) Clearly inapplicable to the proposed development; or
      - (ii) Clearly satisfied by the proposed development.
    - (B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

**Applicant Response: The adjustment proposed with this application exceed 20% deviation from the standard and therefore the adjustment is considered a Class 2 application.**

- (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:
  - (A) The purpose underlying the specific development standard proposed for adjustment is:
    - (i) Clearly inapplicable to the proposed development; or
    - (ii) Equally or better met by the proposed development.
  - (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.
  - (C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.
  - (e) *Transfer of adjustments.* Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

**Applicant Response: The site is surrounded by vehicle use areas and the applicant believes that an adjustment to the setback for vehicle use areas is required for reasonable use of the site. Along the northern property line there is an existing drive aisle to access a trash enclosure and dwelling units associated with the Lancaster Gardens Apartment community. Along the western property line is a private street used as the main access to the Lancaster Gardens Apartment community and public right-of-way exists along the southern and eastern property lines. Although subjective, the applicant does not believe**



**that the adjustment request will detract from the livability or appearance of the surrounding residential area. The requested adjustment is consistent with the overall purpose of the zone since the use is still residential and the proposed site plan shows setbacks consistent with other developments adjacent to the site. The applicant understands that the adjustment shall run with the land. The criteria are met.**

#### SRC-514.001- Purpose

The purpose of the Multiple Family Residential-II (RM-II) Zone is to implement the multiple family residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RM-II zone generally allows multiple family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area.

#### SRC-514.005- Uses

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RM-II zone are set forth in Table 514-1.

**Applicant Response: This application includes a proposal for a multi-family development shown to be a permitted in Table 514-1.**

#### SRC-514.010- Development standards

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

- A. Land division in the RM-II zone. Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.
- B. Lot standards. Lots within the RM-II zone shall conform to the standards set forth in Table 514-2
- C. Dwelling unit density. Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3.
- D. Setbacks. Setbacks within the RM-II zone shall be provided as set forth in Tables 514-4 and 514-5.
- E. Lot coverage; height. Buildings and accessory structures within the RM-II zone shall conform to the lot coverage and height standards set forth in Table 514-6.
- F. Maximum square footage for all accessory structures. In addition to the maximum coverage requirements established in Table 514-6, accessory structures to single-family and two-family uses shall be limited to the maximum aggregate total square footage set forth in Table 514-7.
- G. Landscaping. Landscaping within the RM-II zone shall be provided as set forth in this subsection.
  - 1. Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
  - 2. Vehicle use areas. Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.
- H. Outdoor storage. Within the RM-II zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.



**Applicant Response:** No land division is proposed with this application. The subject site exceeds the minimum area, width, lot depth, and street frontage requirements detailed in Table 514-2. No density parameters are listed in Table 514-3 for multi-family density. As shown on the site plan, the setback standards are also shown to follow the standards of Table 514-4. The proposed lot coverage shown on the submitted site plan is approximately 26.2%, well below the maximum. Proposed building height is included on the submitted architectural building elevations. No accessory structures are proposed with this application. Landscaping plan sheet is included with this application for compliance with RM-II landscape standards. No proposed outdoor storage is included with this application. The above criteria are met.

**SRC-514.015- Design review**

Design review under SRC chapter 225 is required for development within the RM-II 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.

**Applicant Response:** This application includes a multi-family residential proposal and the standards of SRC 702 are included in the narrative below. No residential care dwelling units are included in this application.

**SRC-514.020- Other provisions**

In addition to the standards set forth in this chapter, development within the RM-II 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.

**Applicant Response:** All applicable UDC standards are addressed in this narrative.

### SRC-702.001- Purpose

The purpose of this chapter is to establish design review standards for multiple family development.

### SRC-702.005- Multiple family design review

- A. Except as provided under subsection (b) of this section, and unless otherwise provided in the UDC, design review under SRC chapter 225 is required for all multiple family development.
- B. Exceptions. Multiple family design review is not required for:
  - 1. Cottage clusters, when allowed as a special use.
  - 2. Multiple family development within a mixed-use building.
  - 3. Multiple family development within:
    - a. The Central Business District (CB) Zone.
    - b. The South Waterfront Mixed-Use (SWMU) Zone.
    - c. The Neighborhood Center Mixed-Use (NCMU) Zone.
    - d. The Broadway/High Street Retail Overlay Zone
    - e. The Broadway/High Street Housing Overlay Zone.
    - f. The Riverfront High Density Residential Overlay Zone.
    - g. The Riverfront Overlay Zone.
    - h. The Salem Downtown Historic District.
    - i. The Public and Private Health Services (PH) Zone.
    - j. The Mixed Use-I (MU-I) Zone.
    - k. The Mixed Use-II (MU-II) Zone.
    - l. The West Salem Central Business District (WSCB) Zone.

**Applicant Response: This application does not include a proposal which qualifies for an exemption. Multiple family development standards are addressed in the narrative.**

### SRC-702.010- Multiple family design review standards

Multiple family development shall comply with all of the applicable design review standards as follows:

- A. Multiple family development with five to 12 dwelling units shall comply with the design review standards set forth in SRC 702.015 or the design review standards set forth in SRC 702.020.
- B. Multiple family development with 13 or more dwelling units shall comply with the design review standards set forth in SRC 702.020.
- C. The design review standards set forth in this chapter are in addition to, and not in lieu of, all other applicable development standards in the UDC. Where the design review standards conflict with the development standards in the UDC, the design review standards shall be the applicable development standard.

**Applicant Response: This application proposes more than 12-units in a multi-family development.**

### SRC-702.015- Design review standards for multiple family development with five to twelve units

**Applicant Response: This application includes a proposal for more than twelve units and therefore this section does not apply.**

---

**SRC-702.020- Design review standards for multiple family development with thirteen or more units**

**A. Open space standards.**

1. To encourage the preservation of natural open qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 30 percent of the gross site area in designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.
  - a. To ensure usable open space that is of sufficient size, at least one common open space area shall be provided that meets the size and dimension standards set forth in Table 702-3.
  - b. To ensure the provided open space is usable, a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.
  - c. To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-4, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-4.
  - d. To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.

**Applicant Response: The submitted site plan shows 34.1% of the site is dedicated to open space. The site is relatively flat, and all open space is on land with a slope less than 25%. Access to the common open space areas for buildings one and two follow a short sidewalk to the side and rear of each building. Access to common open space from building three is direct from front and rear doors. Access to private open space is directly from each proposed apartment unit. Entry is shown along the D Street frontage as required. Sidewalks connect all buildings to each other and to all parking areas. The above criteria are met.**

- e. To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 750-square-foot improved

open space area may count as 1,500 square feet toward the open space requirement.

- i. Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and
- ii. Include at least one of the following types of features
  - a. Covered pavilion
  - b. Ornamental or food garden.
  - c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.
  - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer)
  - e. Swimming pool or wading pool.

**Applicant Response: A ornamental garden space is shown on the site plan within the common open space area meeting the dimensional standards listed above. The above criteria are met.**

- f. To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a public urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.

**Applicant Response: The applicant is not seeking a reduction in the required open space area because the subject site is not within one quarter mile of a park. The criterion is met.**

**B. Landscaping standards.**

1. To encourage the preservation of trees and maintain or increase tree canopy, a minimum of one tree shall be planted or preserved for every 2,000 square feet of gross site area.
2. Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:
  - a. A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
  - b. A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall be not allowed to satisfy this standard.

**Applicant Response: The applicant proposes to plant 24 trees and 52 shrubs throughout the site to satisfy the requirement of one tree per 2,000 sf of gross site area. The abutting**

**properties are identified with the same zoning designation and therefore no additional landscape screening is proposed. To the extent they apply, the above criteria are met.**

3. To define and accentuate primary entryways, a minimum of two plant units, shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.
4. To soften the visual impact of buildings and create residential character, new trees shall be planted, or existing trees shall be preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.
5. Shrubs shall be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.
6. To ensure the privacy of dwelling units, ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.

**Applicant Response: A landscape plan has been included with this application and indicates the location of plant units and trees. Ground level private open space is visually separated from common open space via material and landscaping. Each ground floor private open space area is shown to have a concrete patio under the patio above. The criteria are met.**

7. To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area (see Figure 702-3).
  - a. A minimum of one canopy tree shall be planted within each planter bay.
  - b. A landscaped planter bay a minimum of nine feet in width shall be provided at a minimum spacing of one for every 12 spaces. (see Figure 702-3)
8. Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806.

**Applicant Response: A landscape plan has been included with this application and indicates the location of plan units and trees throughout the site. This application proposes more than 13 units and therefore is exempt from the landscaping requirements of SRC 806. The criteria are met.**

**C. Site safety and security.**

1. Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.
2. Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development to enhance visibility and resident safety.

3. Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the street. For purposes of this standard, the term "obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.
4. Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet to encourage visual surveillance of such areas.

**Applicant Response: Building elevations are included with this application and indicates window locations. Windows are shown to overlook parking areas, common open space and within habitable space. A photometric lighting plan has been included with this application to demonstrate compliance with lighting standards above. Clear vision areas are shown to be kept clear with no tall vegetation or fencing shown on the site plan. The above criteria are met.**

D. Parking and site design.

1. To minimize large expanses of continuous pavement, parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of nine feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 702-3).
2. To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.
3. Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.
4. To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks. Pedestrian pathways shall be a minimum of five feet in width.

**Applicant Response: Parking areas are shown on the submitted site plan and include landscape planters for trees and shrubs. Parking areas are connected via drive aisles, an internal private street, and sidewalks for pedestrian circulation. Parking areas are shown adjacent to building 1, next to building 2 and behind building 3. The property does not abut RA or RS zoned properties that would require additional setbacks for parking areas. Pedestrian paths are shown along each building's frontage, from the internal (on-site) parking areas to D Street and along public street 37<sup>th</sup> Place NE. The above criteria are met.**

E. Façade and building design.

1. To preclude long monotonous exterior walls, buildings shall have no dimension greater than 150 feet.
2. Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-5 to provide appropriate transitions between new buildings and structures on site and existing buildings and structures on abutting sites.
  - a. A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.020(b)(2)(B) is increased to eight feet tall.

**Applicant Response: The development site does not abut property zoned RA or RS. See building elevations for exterior wall details showing private open space breaking up large exterior walls.**

3. To enhance compatibility between new buildings on site and abutting residential sites, balconies located on building facades that face RA or RS zoned properties, unless separated by a street, shall have fully sight-obscuring railings.
4. On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.
5. To orient buildings to the street, any ground-level unit, cluster of units, interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing that street, with direct pedestrian access to adjacent sidewalks.
6. A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.

**Applicant Response: 37<sup>th</sup> Place NE (public street) separates the subject site from adjacent residential properties. All three buildings have been placed at the setback lines since the property has more than 75 feet of buildable width. The applicant proposes Building 3 to be located facing D Street with ground floor entrances facing the street. Building 1 is proposed to be facing 37<sup>th</sup> Avenue NE, a private street and all ground floor units have direct access to the street. Building 2 is proposed to face the 37<sup>th</sup> Place NE. Building 3 is shown to be located approx. 22 feet 9 inches from the property line along D Street. Additional right-of-way dedication is shown along D Street NE. Architecturally defined entry areas are shown for all unit entries and stairway openings. Buildings 1 and 2 are both shown to be located within 25 feet of a street or drive aisle. As shown on the site plan and stated above, the criteria are met.**



7. Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.
8. To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See Figure 702-4)
9. To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.
  - a. Offsets (recesses and extensions).
  - b. Covered deck.
  - c. Covered balcony.
  - d. Cantilevered balcony, provided at least half of its depth is recessed.
  - e. Covered entrance.

**Applicant Response: No roof mounted equipment is proposed with this application and any ground level mechanical equipment is to be screened. As shown on the submitted building elevations, covered balconies and covered entrances are shown to break up large building bulk.**

10. To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 702-6):
  - a. Change in materials.
  - b. Change in color.
  - c. Molding or other horizontally-distinguishing transition piece.

**Applicant Response: The applicant proposes a change in color to break up the buildings vertical mass between the first and second floors.**

## **SRC-800.- General Development Standards**

### **SRC-800.001- Purpose**

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

### **SRC-800.005- Application**

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.



### SRC-800.010- Definitions

Unless the context otherwise specifically requires, as used in this chapter, the terms identified in this section shall have the following meanings. Where a term used under SRC 800.055 (Solid Waste Service Areas) is not defined in this section, the definitions under SRC chapters 47 (Solid Waste Management) and 50 (Property Maintenance) shall apply.

*Compactor* means any self-contained, power-driven, mechanical equipment designed for the containment and compaction of solid waste or recyclable materials.

*Drop box* means a single container designed for the storage and collection of large volumes of solid waste or recyclable materials, which is usually ten cubic yards or larger in size, and requires a special vehicle for pick up.

*Enclosure* means a structure built consistent with the State of Oregon Structural Specialty Code designed to provide screening for permanent compactors, receptacles, drop boxes, or any other solid waste, recycling, and compostable containment facilities.

*Receptacle* means any vessel approved by the Director and used for the storage of solid waste, recycling, and compostable material, excluding drop boxes and compactors.

*Solid waste service area* means an area designed and established for the purpose of satisfying the local collection franchise service requirements for servicing receptacles, drop boxes, and compactors singularly or collectively.

**Applicant Response: The applicant understands the definitions listed above.**

### SRC-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.

**Applicant Response: Lot standards for the underlying zone and use are addressed above in this narrative and all criteria are shown to be met. The subject site does not have any easements, riparian corridors, mapped floodplain/floodway, or wetlands. This application includes property line adjustments to enlarge the site and eliminate the interior property**

lines for the purpose of keeping all structures from crossing property lines. The criteria are met.

**SRC-800.020- Designation of a lot**

- A. Front lot line. The front lot line shall be designated as set forth in this subsection (see Figure 800-1).
1. *Interior lot.* For an interior lot, the front lot line shall be the property line abutting the street.
  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.
  3. *Double frontage lot.* For a double frontage lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension requirements are met.
  4. *Flag lot.* For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan of the plat, which shall be recorded on deeds conveying lots.
  5. *Other lots.* In the case of any lot not covered by subsections (a)(1) through (4) of this section, the front lot line shall be the property line that the architecturally designed front of the building faces.

**Applicant Response: The applicant understands the definitions as listed above.**

- 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.
  2. Trapezoidal, triangular, diamond, or other shaped lots. For trapezoidal, triangular, diamond, or other shaped lots with a distance between the side lot lines at the rear of the lot of less than ten feet, the rear lot line for purposes of determining required setbacks shall be a line ten feet in width drawn between the side lot lines and located parallel to and at the maximum distance from the front lot line (see Figure 800-3).
- C. Side lot line. A side lot line is any lot line which is not a front or rear lot line.

**Applicant Response: This application proposes to eliminate interior property lines and adjust the northern and western property boundaries to capture additional parking outside of required setback areas.**

### SRC-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.
  - 1. Maximum number of lots served by flag lot accessway. A maximum of four lots may be served by a 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 flag lots within a subdivision. Within a subdivision, up to 15 percent of the lots may be flag lots.

**Applicant Response: No flag lots are proposed to be created with this application nor is the subject property an existing flag lot. The above criteria do not apply.**

### SRC-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.

**Applicant Response: This application does not propose a townhouse development or any development with a zero-side yard standard. The above section does not apply to this application.**

**SRC-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.
- C. Zone-to-zone setbacks abutting property outside City limits or urban growth boundary.
  - 1. Property located outside city limits. Where a zone-to-zone setback is required abutting a property located outside the City limits, the abutting zone for purposes of determining the required zone-to-zone setback shall be the equivalent City zone identified under SRC Chapter 260, Table 260-1, based on the comprehensive plan designation for the property and its zoning in the county.
  - 2. Property located outside UGB. Where a zone-to-zone setback is required abutting a property located outside the urban growth boundary (UGB), the abutting zone for purposes of determining the required zone-to-zone setback shall be considered a residential zone.
- D. Setbacks abutting an interstate freeway, railroad right-of-way, or alley.
  - 1. The required setback abutting an interstate freeway, railroad right-of-way, or alley shall be considered either an interior front setback, an interior side setback, or an interior rear setback depending upon the dimensions and configuration of the lot.
  - 2. Where the required interior front, interior side, or interior rear setback abutting an interstate freeway or railroad right-of-way is a zone-to-zone setback, the minimum required in interior front, interior side, or interior rear setback shall be five feet in-lieu of the zone-to-zone setback.

**Applicant Response: The subject property does not abut an interstate freeway, railroad right-of-way or alley and therefore the above criteria do not apply.**

**SRC-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.

- 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.
- 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, other than minimum required off-street parking, provided such parking is developed in conformance with the setback and landscaping requirements set forth in SRC chapter 806.

**Applicant Response: No special setbacks have been identified for the subject property. No transit stop shelters, signs, or fences are proposed with this application. The applicant proposes off-street parking with landscaping areas.**

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.

- 5. 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, other than minimum required off-street parking, located within a special setback.
- 6. 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.
- 7. 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.

**Applicant Response: No special setbacks have been identified for this site and a removal agreement is not required as no structures are located within a special setback.**

**SRC-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.

**Applicant Response: This application does not propose chimneys, towers, flag poles, wind turbines or monuments on any building. Additionally, this application does not propose any television, radio or microwave antennas or structures specifically for their support. This application does not propose to exceed the maximum building height for the purposes of roof mounted mechanical equipment. No projection into FAA Part 77 surface is proposed with this application and the subject property is not within 165 feet of the capital mall district. The above criteria do not apply.**

#### **SRC-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.

- H. 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.
- 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.
- 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.
- 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.

**Applicant Response: No fences, walls, hedges, or gates are proposed with this application. The above criteria do not apply.**

- I. 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.

**Applicant Response: This application does not propose any fencing, walls, hedges, gates or retaining walls that would impede the vision clearance in and out of the subject site. The above criteria are met.**

- J. 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.

**Applicant Response: No fencing or walls are proposed with this application. The above criteria do not apply.**

K. 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:
      - a. The barbed wire or upturned barbed selvage shall be located more than six feet above grade;
      - b. 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;
      - c. The barbed wire or upturned barbed selvage shall not extend over a street or alley; and
      - d. 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.

**Applicant Response:** No hazardous materials are proposed to be permanent or temporarily stored on the property. No fences or walls that could cause harm such as electric fencing or barbed wire/concertina wire are proposed with this application. The above criteria do not apply.

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:
    - a. 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.
    - b. A minimum one-foot separation shall be maintained between the electric fence and the surrounding non-electric fence or wall.
    - c. An electrical permit and inspection shall be obtained prior to installation.
    - d. 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.
    - e. 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.
    - f. 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.

**Applicant Response: No electric fences are proposed with this application. The above criteria do not apply.**

- L. 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.

**Applicant Response: The applicant understands the maintenance requirements of this section.**

#### **SRC-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).

**Applicant Response:** The existing Lancaster Gardens Apartments parcel has multiple trash enclosures, and one is located approximately 40 feet north of proposed Building 2. No new enclosure for solid waste is proposed with this application. The existing solid waste area is approximately 120 square feet, screened, and located more than 15 feet from the nearest structure.

- 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.

**Applicant Response:** The existing Lancaster Gardens Apartments parcel has multiple trash enclosures, and one is located approximately 40 feet north of proposed Building 2. No new enclosure for solid waste is proposed with this application. The existing solid waste area is approximately 120 square feet, screened, and located more than 15 feet from the nearest structure.

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.

**Applicant Response: The existing solid waste area is screened with a 6-foot-tall fence including privacy slats. No new solid waste areas are proposed with this application.**

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 II A construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.

**Applicant Response: The existing Lancaster Gardens Apartments parcel has multiple trash enclosures, and one is located approximately 40 feet north of proposed Building 2. No new enclosure for solid waste is proposed with this application. The existing solid waste area is approximately 120 square feet, screened, and located more than 15 feet from the nearest structure. Enclosure opening, enclosure gates, and measures to prevent damage to the enclosure all appear to meet the above standards. The criteria are met.**

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.
  - 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.
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.

**Applicant Response: The existing trash enclosure proposed to serve the new proposed apartment units is located on a drive aisle for easy access. The enclosure is currently accessed by the local solid waste franchisee without issue. The applicant proposes appropriate signage restricting parking near the enclosure as conditioned. No existing conflicts are present regarding parking near the existing enclosure.**

- 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.

**Applicant Response: The applicant understands that notice to the waste collection franchisee is required if the standards of the above section are proposed to be adjusted or varied. The applicant does not propose to vary or adjust the standards of this section.**

#### **SRC-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.

**Applicant Response: Exterior lighting is shown to be directed downward as to not shine or reflect onto adjacent properties or in the public right-of-way. A photometric lighting plan has been submitted with this application to demonstrate compliance with lighting standards and to show pathway illumination. The above criteria are met.**

#### **SRC-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, four family, and multiple family uses, 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.



- A. Pedestrian connections required. The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:
3. 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.

**Applicant Response: Pedestrian access from buildings to public right-of-way and from buildings to parking areas on site are shown on the proposed site plan. The subject site is on the corner of D Street and 37<sup>th</sup> Place NE with buildings shown facing public and private streets. Pedestrian access is shown from building 3 to D Street and from building 1 to the sidewalk of 37<sup>th</sup> Ave (private) then to the public sidewalk along D Street. Proposed building 2 has a connection to the sidewalk fronting building 1 and to the parking area adjacent to all buildings. Building 3 is shown to be nearly 23 feet from the front property line (D Street NE) and 10 feet from the side property line (37<sup>th</sup> Place NE). All buildings proposed with this application are for the purposes of multi-family occupancy and no structures are proposed for service, storage, maintenance, or similar type building. The above criteria are met.**

4. Connection between buildings on the same development site.
  - a. Except as otherwise provided in this subsection, where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.
  - 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  
The buildings are service, storage, maintenance, or similar type buildings not primarily intended for human occupancy.

**Applicant Response: Proposed buildings 1 and 2 are shown to have on-site pedestrian connectivity by a sidewalk along the northern and western property lines of the subject site. Buildings 3 shows pedestrian connections to the public sidewalk fronting the site and is connected to building 1 with an on-site sidewalk. All buildings show pedestrian connections to one another, all parking areas, and public sidewalks. All proposed buildings are for human occupancy. To the extent applicable, all the above criteria are met.**

- 5. 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:
      - a. 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;
      - b. Spaced a minimum of two drive aisles apart; and
      - c. 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:
  - a. 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
  - b. An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.
- 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.

**Applicant Response: Pedestrian access is shown between off-street parking areas and public right-of-way sidewalks. Proposed parking areas are not large enough to warrant the need for safe pedestrian access through off-street parking areas.**

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

**Applicant Response: No existing or planned paths or trails travers through or are shown to be adjacent to the subject site. The above criteria do not apply.**

- 7. 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.

**Applicant Response: No new vehicular connections to abutting properties are proposed with this application. The neighboring property to the north and west is under the same ownership and the applicant proposes to use existing private accessways. Neighboring properties abutting the subject site do not have specific security needs and therefore additional pedestrian connections are not shown on the submitted site plan. The adjacent use is the Lancaster Gardens Apartments property, and the subject site is an expansion of that use. No adjacent property needs incompatible with pedestrian activities in a residential community. Where most practical, connections have been shown on the submitted site plan. Other than existing structures, there are no other physical conditions making connections impractical. The above criteria are met.**

- H. 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.

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

**Applicant Response: No pedestrian trails or pathways are shown on the Salem TSP on or adjacent to the subject site. The above criteria do not apply.**

- I. 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.
- J. 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.
  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.

**Applicant Response: Lighting is shown on the submitted photometric plan to illuminate the pedestrian circulation system, entry ways and parking areas. All lots associated with the subject property are under the same ownership. All proposed pedestrian connections are extended to the property line or to existing pedestrian facilities. The criteria are met.**

#### **SRC-802.001- Purpose**

The purpose of this chapter is to establish the means and standards whereby public improvements are provided for development within the City.

#### **SRC-802.005- Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City utilities* means public improvements providing water, wastewater, and stormwater facilities.

Public improvements means infrastructure necessary to provide city utilities to customers.

*Public utilities* means privately owned improvements providing the following services: natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television.

*Public Works Design Standards* means the design standards and specifications adopted pursuant to SRC 802.010.

*Utility or utilities* means water; wastewater; stormwater facilities; natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television.

*Watercourse* means the route, up to and including the top of bank, formed by natural processes or constructed by humans, generally consisting of a channel with a bed, banks, or sides, in which water flows. By way of illustration, but not of limitation, as used in this chapter, watercourse includes perennial and intermittent streams and creeks, swales, drainage ditches, and culverts. As used in this chapter, watercourse does not include the Willamette River.

#### SRC-802.015- Development to be served by city utilities

Except as provided under SRC 802.035 and 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.

**Applicant Response: City utilities are available and located within the public right-of-way adjacent to the site. The applicant proposes to connect to City utilities. This criterion is met.**

#### SRC-802.020- Easements

Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than ten feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.

**Applicant Response: Public utility easements are shown along the property frontage to public right-of-way meeting SRC 802.020 standards. This criterion is met.**

#### SRC-802.025- Utilities to be placed underground

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

**Applicant Response: All utilities serving the subject property are proposed to be underground. There is existing overhead power along the D Street frontage. The applicant proposes to work with the electric service company to underground these lines from the existing pole at the corner of D Street and 37<sup>th</sup> Place and existing pole at the corner of D Street and 37<sup>th</sup> Ave. Stormwater and sanitary sewer are proposed to remain underground. All stormwater conveyance lines are shown to be under ground. A composite utility plan, stormwater report, and a proposed exception for a fully underground stormwater system are included with the submittal. The subject site is not commercial or industrially zoned. The above criteria are met.**

#### SRC-802.030- Watercourses

- A. Any modification to a watercourse shall conform to SRC chapter 601 and the Public Works Design Standards.
- B. Public improvement and maintenance easements for watercourses may be required. The easements shall, at a minimum, extend 15 feet in each direction from the waterway centerline, ten feet from the top of a recognizable bank, or a sufficient width to pass ten-year flood flows or to accommodate the 100-year floodway on a FEMA regulated stream, whichever is greater. Such easements shall be of a width sufficient to allow both initial improvements and future maintenance and operations. Larger widths may be required.

**Applicant Response: The subject site does not have an identified watercourse on or adjacent to the property. The above criteria do not apply.**

#### SRC-802.035- Partitions in areas unserved by city wastewater system

A partition located more than 300 feet from an available sewer may be approved if the applicable requirements for partitions located more than 300 feet from an available sewer contained within SRC chapter 205 are met.

**Applicant Response: This application includes property line adjustments to consolidate the interior property lines of tax lots 3000, 3100, and 3200. Additional adjustments are shown along the northern and western property lines to include parking areas outside of required setback areas. No partitions are proposed with this application and the entire property is served by the city wastewater system.**

#### SRC-802.040- Private stormwater, wastewater, and water systems

A private stormwater, wastewater, or water system may be approved by the Director if each of the following conditions are met:

- A. City utilities necessary to serve adjacent properties and to provide needed links in the overall collection and distribution system are provided.
- B. If the system is a water system:
  - 1. The water system conforms to the water distribution standards of the City;
  - 2. Except as authorized by state law, water from the system is not submetered or resold to other parties;
  - 3. Each building under separate ownership has a separate water meter; and
  - 4. The properties served are located within a commercial or an industrial and employment zone.
- C. If the system serves multiple properties under separate ownership:
  - 5. If the system is a wastewater system, the properties served are located within a commercial or an industrial and employment zone, and each building under separate ownership must have a separate wastewater monitoring manhole. Exceptions to the requirement for monitoring manholes may be granted by the Director if the owner of the system shows that no proposed use has any likelihood of discharging hazardous or illegal materials into the City's wastewater system.

6. An agreement is executed by the utility owner and the owner of the property served by the system. The agreement shall be recorded in the deed records of the applicable county and provide that:
  - a. The system serving the property is private;
  - b. The City has no responsibility to maintain the system;
  - c. The system will not be accepted by the City unless the system was constructed in a manner that conforms to the Public Works Design Standards;
  - d. A perpetual right of access to read and maintain the meters and inspect the system is granted to the City; and
  - e. Persons served by the system assume responsibility for any repairs required for the City.

**Applicant Response: The applicant proposes to connect to city utilities and does not propose any private utility connections. A composite utility plan and stormwater report are both included with this application. All properties associated with this application are under the same ownership except for the above ground stormwater facility. The stormwater facility is under city ownership. Based on the information submitted with this application, the above criteria are met.**

#### **SRC-803.001- Purpose**

The purpose of this chapter is to establish standards for streets and other improvements within public right-of-way in the City.

#### **SRC-803.005- Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Block* means the properties abutting one side of a street:

- A. Between two cross streets;
- B. Between the city limits and the nearest cross street;
- C. When there is only one cross street:
  1. Between a cross street and the dead end of a street;
  2. Between a cross street and a line projected from the centerline of an intersecting street, such as a "T" intersection;
- D. When there are no cross streets, then the block shall be between the points 600 feet from the mid-point of the front property line for the property under consideration and along the street.

*Boundary street* means an existing street that abuts a unit of land.

*Complex* means a group of structures or other development that is functionally or conceptually integrated, regardless of the ownership of the development or underlying land.

*Half-street improvement* means a 50 percent portion of the ultimate width of a street.

*Public accessway* means a walkway that provides pedestrian and bicycle passage either between two or more streets or from a street to a building or other destination, such as a park or transit stop.

*Reasonably direct* means either a route that does not deviate unnecessarily from a straight line, or a route that does not require a significant amount of out-of-direction travel by likely users.



*Reserve block* means a strip of land across the end of a street or alley at the boundary of a subdivision or partition, and dividing it from adjacent property, that is reserved to extend or widen the street in the future or to prohibit access to the street or alley from adjacent property. Reserve blocks are usually one foot in width and either deeded or dedicated to the City.

Safe and convenient bicycle and pedestrian routes means facilities and improvements which:

- A. Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or bicycle travel for short trips;
- B. Provide a reasonably direct route of travel between destinations such as between a transit stop and a store; and
- C. Meet travel needs of bicyclists and pedestrians considering destination and length of trip; and considering that the optimum trip length of pedestrians is generally one-fourth to one-half mile.

*Three quarter street improvement* means a half-street improvement on the side abutting the development, plus a minimum 12-foot wide travel lane with shoulders and drainage ditches where needed on the opposite side.

*Underimproved street* means any public street, road, or right-of-way which lacks any of the following:

- A. Paving;
- B. Curbing;
- C. Bike lanes (where required);
- D. Sidewalks;
- E. Street lighting;
- F. Stormwater facilities; or
- G. Adequate right-of-way geometry or paving width, grade, or structural sections required under the Public Works Design Standards.

**Applicant Response: The applicant understands the above definitions as they apply to this application.**

#### **SRC-803.010- Streets, generally**

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

**Applicant Response: No new streets are proposed with this application. The applicant shows frontage improvements along 37<sup>th</sup> Place NE. The criterion is met.**

#### **SRC-803.015- Traffic impact analysis**

- A. Purpose. The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.
- B. Applicability. An applicant shall provide a traffic impact analysis if one of the following conditions exists:

1. The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.
  2. The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.
  3. The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.
- C. Improvements may be required. On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.
- D. Exception. An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.

**Applicant Response: A trip generation form has been included with this application to determine if a traffic impact analysis is warranted. The applicant can provide a TIA as required and therefore the above criteria can be met.**

**SRC-803.020- Public and private streets**

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

streets, privately owned pedestrian/bikeways, and landscape strips. Such association shall have the power to levy and assess against privately owned property in the development all necessary costs for maintenance and operation of the private streets and related facilities.

**Applicant Response: No land division or new streets are proposed with this application. The above criteria do not apply.**

#### **SRC-803.025- Right-of-way and pavement widths**

- A. Except as otherwise provided in this chapter, right-of-way width for streets and alleys shall conform to the standards set forth in Table 803-1.
- B. Except as otherwise provided in this chapter, streets shall have an improved curb-to-curb pavement width as set forth in Table 803-2.
- C. Additional right-of-way, easements, and improvements may be required to accommodate the design and construction of street improvement projects due to steep slopes, soils, water features, wetlands, transit bus bays, and other physical constraints.
- D. Additional right-of-way and roadway improvements at the intersections of parkways, major arterial, minor arterial, and collector streets, and at intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes, may be required. The design of all intersections shall conform to the Public Works Design Standards.
- E. When an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, dedication and improvement of streets to greater widths than those provided in subsection (a) of this section may be required.

**Applicant Response: Frontage improvements are proposed along 37<sup>th</sup> Place NE to include a sidewalk, planter strip and travel lane widening/paving. The sidewalk is shown along 37<sup>th</sup> Place is within the 50-foot right-of-way and the applicant shows an additional 10 feet of right-of-way dedication. No land division is proposed with this application.**

#### **SRC-803.030- Street spacing**

- A. Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of way line along one axis, and not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.
- B. Street spacing may be increased where one or more of the following exist:
  - a. Physical conditions preclude streets meeting the spacing requirements. Physical conditions include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, or a resource protected by state or federal law.
  - b. Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude streets meeting the spacing requirements, considering the potential for redevelopment.
  - c. An existing public street or streets terminating at the boundary of the development site exceed the spacing requirements, or are situated such that the extension of the street

or streets into the development site would create a block length exceeding the spacing requirements. In such cases, the block length shall be as close to the spacing requirements as practicable.

- d. Strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network, and the proposed street network will accommodate necessary emergency access.

**Applicant Response: No new streets are proposed with this application. All existing streets adjacent to the subject property are a mix of public and private street systems. This application does not include a proposal to alter the location of these existing streets. The above criteria are met.**

#### **SRC-803.035- Street standards**

All public and private streets shall be improved as follows:

- A. Connectivity. Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:
  - 1. Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.
  - 2. Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or
  - 3. The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.
- B. Improvements. All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and the Public Works Design Standards.
- C. Alignment and grade. All streets shall be designed with a vertical alignment that conforms to the Public Works Design Standards. No grade of parkway, major arterial, or minor arterial shall exceed six percent. No grade of a collector street shall exceed eight percent. No grade of a local street shall exceed 12 percent.
- D. Dead-end streets. When it appears necessary to provide connectivity into or through an abutting undeveloped area, a dead-end street shall be provided to the boundary of the undeveloped area. The street may be constructed and right-of-way may be dedicated without a turnaround unless the Planning Administrator finds that a turnaround is necessary.

- E. Reserve blocks. Reserve blocks controlling access to a street or alley may be required to be dedicated to address one or more of the following:
  - 1. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
  - 2. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in SRC 803.025.
  - 3. To prevent access to land abutting a street of the development, but not within the development itself.
  - 4. To prevent access to land unsuitable for development.
  - 5. To prevent access prior to payment of street improvement assessments or connection charges.
  - 6. To prevent access to an arterial or collector street.
- F. Cul-de-sacs.
  - 1. Cul-de-sacs shall not exceed 800 feet in length.
  - 2. No portion of a cul-de-sac shall be more than 400 feet from an intersecting street or cul-de-sac unless physical constraints make it impractical.
  - 3. Cul-de-sacs shall have a turnaround with a property line radius of not less than that specified in SRC 803.025(a) from the center of the turnaround to the property lines.
- G. Intersections; property line radius.
  - d. Intersections shall conform to the Public Works Design Standards; provided, however, additional right-of-way and roadway improvements at or adjacent to the intersections of parkways, major arterials, minor arterials, and collector streets may be required for intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes.
  - e. The property line radius at intersections shall be not less than the curblane radius as set forth in the Public Works Standards.
- H. Cut and fill slopes. Fill slopes shall begin no closer than two feet from the rear edge of the sidewalk, or if there is no sidewalk, from to the rear edge of the curb. Cut and fill slopes shall not exceed two horizontal to one vertical, provided that slopes not exceeding one to one may be approved upon certification by a qualified engineer or geologist that the slope will remain stable under foreseeable conditions.
- I. Slope easements. Slope easements shall be provided on both sides of the right-of-way where required by Public Works Design Standards.
- J. Street alignment. Consistent with good engineering practice, street alignment shall, so far as possible, avoid natural and constructed obstacles, including, but not limited to, mature trees.
- K. Street trees. Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.
- L. Sidewalks.
  - 1. Sidewalk construction required. Sidewalks conforming to this chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC chapter 78 shall be constructed as a part of street improvement projects.

2. Sidewalk location; width.
  - a. Sidewalks shall be located parallel to and one foot from the adjacent right-of-way; provided, however, on streets having a right-of-way of 50 feet or less, sidewalks shall be located parallel to and abutting the curb.
  - b. If topography or other conditions make the construction of a sidewalk impossible or undesirable in a location required by this subsection, a different location may be allowed.
  - c. Except as otherwise provided in this subsection, all sidewalks shall be a minimum of five feet in width.
  - d. Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of eight feet in width along the right-of-way for a distance of 600 feet from the point of connection.
  - e. Sidewalks shall have an unobstructed four-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.
- M. Bicycle facility standards. Streets identified in the Salem Transportation System Plan Bicycle System Map as requiring a bicycle facility must conform to the designation of the Salem Transportation System Plan and the Public Works Design Standards.
- N. Utility easements. Public utility easements may be required for all streets. Unless otherwise specified by the Director, public utility easements shall be a minimum of ten feet in width on each side of the right-of-way.
- O. Street lights. All subdivisions and partitions, and all development on units of land for which site plan review is required, shall include underground electric service, light standards, wiring, and lamps for street lights that conform to the Public Works Design Standards. The developer shall install such facilities. Upon the City's acceptance of improvements, the street lighting system shall become the property of the City.
- P. Landscape strips. Landscape strips for signs, street lights, and shade trees shall be provided that conform to the Public Works Design Standards.
- Q. Landscaping. Property owners shall cover at least 75 percent of the unimproved surface area within the right-of-way abutting the property with perennial living plant material which conforms to all other requirements of the UDC, and which is kept free of noxious vegetation.
- R. Transit facilities. Transit stops conforming to the applicable standards of the Salem Area Mass Transit District shall be constructed and right-of-way dedication, when necessary to accommodate the transit stop, shall be provided when a transit stop is identified as being needed by the Transit District in connection with a proposed development. Where a transit stop is required, on-street parking shall be restricted in the area of the stop as defined by the Transit District in order to ensure unobstructed access by transit.
- S. Urban growth area street improvements. Where a subdivision or partition is located in the Urban Growth Area or the Urban Service Area, and the construction of street improvements by the City has not yet occurred, the street improvements and dedications shall meet the requirements of SRC chapter 200.

**Applicant Response: No new streets are proposed with this application. All existing streets adjacent to the subject property are a mix of public and private street systems. This application does not include a proposal to alter the location of these existing streets.**

**SRC-803.040- Boundary streets**

- A. General. Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following:
  - 1. Subdivisions;
  - 2. Partitions;
  - 3. Planned unit developments;
  - 4. Manufactured dwelling parks; and
  - 5. The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC chapter 56.
- B. Three-quarter street improvement. If construction of a half-street improvement is insufficient to provide for a minimum of one 12-foot-wide travel lane in each direction or proper street grade, dedication of right-of-way for, and construction or improvement of, a three-quarter street improvement may be required.
- C. Additional right-of-way and improvements. Dedication and improvement of streets to greater widths than those provided in SRC 803.025 may be required when:
  - 1. An area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant.
  - 2. Topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way width or slope easements may be required to allow for all cut and fill slopes.
  - 3. Additional area is required for stormwater facilities located within the right-of-way.
- D. Exceptions. Notwithstanding subsections (a) and (b) of this section, the dedication of right-of-way for, and construction or improvement of, boundary streets is not required in the following circumstances:
  - 1. Improvement of the boundary street abutting the property is a funded project in the Five Year Capital Improvement Program;
  - 2. The construction of a new building or structure in a complex, if the new building or structure is less than 2,000 square feet. This exception shall be based on the extent of development existing on December 31, 1995;
  - 3. The enlargement of any building or structure, if the enlargement results in less than a 50 percent increase in gross building area. This exception shall be based on the extent of development existing on December 31, 1995;
  - 4. The construction or enlargement of any building or structure to be used entirely for agriculture, the keeping of livestock and other animals, or animal services, as defined in SRC chapter 400, and which involve no retail sales;



5. The conversion of, or addition to, an existing single-family detached dwelling to create a duplex, triplex, or quadplex; or
  6. The construction or enlargement of any building or structure that will generate less than 20 new vehicle trips per day according to the Institute of Transportation Engineers' Trip Generation Manual.
- E. Improvement.
1. All boundary street improvements shall conform to this chapter and the Public Works Design Standards.
  2. The maximum amount of street widening shall not exceed 17 feet on the development side, plus curb, gutters, sidewalks, bike lanes, stormwater facilities, street lights, and signing where appropriate. The minimum requirement for the opposite side of the centerline is a 12-foot-wide paved travel lane. The boundary street improvement shall be provided along the full length of the boundary.
  3. If development is proposed for only a portion of a development site or complex, the boundary street improvement shall be provided as follows:
    - a. Where the area of development exceeds 25 percent of the total development site or complex area, the street improvements shall be the greater of either the actual street frontage of the phase being developed, or the percentage of street frontage equal to the percentage of area being developed.
    - b. Where the area of development is equal to or less than 25 percent of the total development site or complex area, the street improvement shall be provided in accordance with the following formula:
      - i. 
$$\text{Frontage of Required Street Improvement} = \frac{\text{Proposed Area of Development}}{\text{Area of Undeveloped Site}} \times \text{Total Street Frontage of Entire Development Site or Complex.}$$
    - c. As used in this subsection, the term "area of development" means that area required for structures, setbacks, off-street parking, landscaping, and any special setbacks.

**Applicant Response: The applicant proposes half street boundary street improvements along 37<sup>th</sup> Place NE. D Street NE is a public street but fully constructed but additional right-of-way dedication is shown as required. 37<sup>th</sup> Ave NE is a private street internal to the Lancaster Garden Apartments parcel. The applicant proposes to improve 37<sup>th</sup> Avenue with on street parking but no on street parking is proposed on public boundary streets adjacent to the subject parcel.**

#### **SRC-803.045- Monuments**

Proper monuments that conform to the Public Works Design Standards shall be constructed with street improvements.

**Applicant Response: The applicant understands that monuments are to conform with the Public Works Design Standards.**

#### **SRC-803.050- Public accessways**

4. When necessary for public convenience or safety, public accessways may be required to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, mass transportation stops, or other community services, or where it appears necessary to continue the public walkway into a future subdivision or abutting property or streets.
5. Public accessways shall conform to the Public Works Design Standards, and have width and location as reasonably required to facilitate public use and, where possible, accommodate utility easements and facilities. Public accessways shall be dedicated on the plat.

**Applicant Response: The subject property is part of the Lancaster Garden Apartments large parcel, and this proposed development will be an expansion of the existing apartment complex. No cul-de-sacs, unusually long blocks, or oddly shaped lots are proposed with this application. As shown on the tentative site plan, pathways meander through the subject parcel's proposed open space connecting buildings to sidewalks and parking areas.**

#### **SRC-803.055- Public accessways Traffic control, parking regulation, and street signs and pavement markings**

The developer shall install all required traffic control, parking regulation, street signs, and pavement markings for all paved blocks of streets within a subdivision or partition prior to final acceptance of the public streets by the City, or prior to the issuance of any building permit for construction within the subdivision or partition for private streets. All traffic control, parking regulation, and street signs and pavement markings shall conform to the Public Works Design Standards, and shall be installed at the developer's expense.

**Applicant Response: This application does not propose a partition or subdivision, new streets, blocks, or traffic control measures. Parking regulations and signage are proposed to be installed as conditioned.**

#### **SRC-803.060- Conveyance by dedication**

All streets within subdivisions or partitions, other than private streets allowed under SRC 803.020, shall be dedicated to the City on the plat.

**Applicant Response: No proposed streets are proposed with this application. The applicant proposes a property line adjustment to remove interior parcel lines, but no land division is included with this application. The criterion does not apply.**

#### **SRC-803.065- Alternative street standards**

- A. The Director may authorize the use of one or more alternative street standards:
  1. Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;
  2. Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or

3. Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.
4. Authorization of an alternative street standard may require additional or alternative right-of-way width, easements, and improvements to accommodate the design and construction using the alternative standard.

**Applicant Response: No alternative street standards are proposed with this application.**

**SRC-803.070- Deferral of construction of certain improvements**

- A. Applicant initiated deferral. An applicant may apply to defer the construction of the following improvements, upon filing an application and paying the application fee:
  1. Boundary streets.
    - a. Construction of boundary streets may be deferred if:
      - i. The development site abuts a boundary street section, and the existing vertical or horizontal alignment for the street section neither meets nor can be constructed within the limits of the development site frontage in a manner that conforms to the Public Works Design Standards for future final street grades and alignment;
      - ii. The development site abuts a local street, the development site has less than 150 feet of frontage, and the use will generate 20 or less new vehicle trips per day;
      - iii. The development site abuts a local street and there is no improved street section or street improvement deferral for the boundary street within 150 feet of the property corners of the development site; or
      - iv. Unusual or special conditions exist that, in the opinion of the Director, would warrant a deferral of all or a part of the improvement.
  2. Sidewalks.
    - a. Construction of sidewalks may be deferred if:
      - i. For property within all zones other than industrial and employment zones:
        - a. The sidewalk is not on a collector street or arterial street; and
        - b. Less than one-half of the required sidewalks on the side of the block where the sidewalk is to be constructed have already been constructed.
      - ii. For property within industrial and employment zones:
        - a. The sidewalk would not be part of a pedestrian route to a school, shopping center, park, church, or other pedestrian traffic generator, or identified in a local safe routes to school plan as a facility in need of improvement; and
        - b. The deferral would not pose a threat to public safety and welfare, based upon review of pedestrian/vehicular traffic on the street, the width and condition of the street, and on-street parking.

- b. Unless otherwise provided in the deferral agreement, when sidewalk construction has been deferred, the property owner shall:
    - i. Grade and slope the area to the future sidewalk grade;
    - ii. Avoid planting trees in the sidewalk area, or building fences, retaining walls, steps, or other impediments to the future sidewalk; and
    - iii. Note on the plans for the development that a deferment has been granted but that sidewalk construction may be ordered by the City at any time.
- 3. City required deferral. The Director may require deferral of the construction of part or all of one or more of the improvements identified in subsection (a) of this section at any time. Deferral pursuant to this subsection shall be at no cost to the applicant.
- 4. Deferral agreement. When a deferral is allowed or required pursuant to this section, the applicant shall enter into a deferral agreement. The deferral agreement shall be in a form approved by the City Attorney, shall be filed in the deed records of the appropriate county, and shall provide that the required improvements will be constructed at such time as the Director determines or at such other time as may be specified by resolution of the Council.
- 5. Notation on plat. The deferral of any improvements shall be noted on the final plat.

**Applicant Response: No deferral of construction of certain improvements is proposed or included with this application. The above criteria do not apply.**

**SRC-804.020- Class 1. Driveway approach permit**

- A. Required. A Class 1 driveway approach permit is required for:
  - 1. A driveway approach onto a local or collector street providing access to a single family, two family, three family, or four family use.
  - 2. A driveway approach onto an arterial street providing access to an existing single family, two family, three family, or four family use.
  - 3. A driveway approach onto an arterial street providing access to a proposed single family, two family, three family, or four family use on an existing lot created prior to March 16, 2022.
  - 4. A driveway approach for any land-locked lot or parcel providing access onto a local or collector street, unless the driveway is part of an existing shared access.
  - 5. Maintenance, repair, or replacement of an existing permitted driveway approach, other than maintenance, repair, or replacement that is part of, or needed for, redevelopment of commercial or industrially zoned property.
  - 6. Procedure type. A Class 1 driveway approach permit is processed as a Type I procedure under SRC chapter 300.
  - 7. Submittal requirements. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 driveway approach permit shall include the following:
    - 8. A completed application form.

9. A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
  - a. The location and dimensions of the proposed driveway approach;
  - b. The relationship to nearest street intersection and adjacent driveway approaches;
  - c. The location of all utilities;
  - d. The location of any existing or proposed buildings, structures, or vehicular use areas;
  - e. The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and
  - f. The location of any street trees adjacent to the location of the proposed driveway approach.
10. Identification of the uses or activities served, or proposed to be served, by the driveway approach.
11. Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
12. Criteria. A Class 1 driveway approach permit shall be granted if the proposed driveway approach meets the standards of this chapter and the Public Works Design Standards.

**Applicant Response: No class I driveway approach permit is required with this application. The above criteria do not apply.**

**SRC-804.025- Class 2 driveway approach permit**

- A. Required. A Class 2 driveway approach permit is required for:
  1. A driveway approach onto a local, collector, minor arterial, major arterial, or parkway street providing access to a use other than single family, two family, three family, or four family;
  2. Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.
  3. Procedure type. A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.
  4. Submittal requirements. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:
  5. A completed application form.
  6. A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
    - a. The location and dimensions of the proposed driveway approach;
    - b. The relationship to nearest street intersection and adjacent driveway approaches;
    - c. Topographic conditions;

- d. The location of all utilities;
  - e. The location of any existing or proposed buildings, structures, or vehicular use areas;
  - f. The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and
  - g. The location of any street trees adjacent to the location of the proposed driveway approach.
- 7. Identification of the uses or activities served, or proposed to be served, by the driveway approach.
  - 8. Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
  - 9. Criteria. A Class 2 driveway approach permit shall be granted if:
  - 10. The proposed driveway approach meets the standards of this chapter and the Public Works Design Standards;
  - 11. No site conditions prevent placing the driveway approach in the required location;
  - 12. The number of driveway approaches onto an arterial are minimized;
  - 13. The proposed driveway approach, where possible:
    - a. Is shared with an adjacent property; or
    - b. Takes access from the lowest classification of street abutting the property;
  - 14. The proposed driveway approach meets vision clearance standards;
  - 15. The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
  - 16. The proposed driveway approach does not result in significant adverse impacts to the vicinity;
  - 17. The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
  - 18. The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

**Applicant Response: A class II driveway approach permit is required and has been included with this application. 37<sup>th</sup> Place NE is identified as a local street and a new curb cut proposed to access parking/circulation through the site. The access is for a use other than those listed above (multi-family proposed) and maintenance is proposed to be the responsibility of the property owner. The existing site conditions do not conflict with the proposed driveway approach and takes access from the lessor classified street abutting the property. The driveway approach is proposed to be 24 feet wide and meets public works standards. Clear vision standards are shown to be met with no vision obscuring plants or structures in the clear vision area. It is not anticipated that the proposed driveway approach will result in any adverse impacts to the vicinity and is the minimum number of approaches to meet the needs of the site. The above criteria are met.**

#### SRC-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.

#### SRC-806.005- Off-street parking, when required

- A. General applicability. Except as otherwise provided in this section, off-street parking 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 parking ratio requiring a greater number of spaces than the previous use or activity.
  3. Any intensification, expansion, or enlargement of a use or activity.
  4. Applicability to Downtown Parking District. Within the Downtown Parking District, off-street parking shall only be required and maintained for uses or activities falling under household living.
  5. Applicability to nonconforming off-street parking areas.
  6. When off-street parking is required to be added to an existing off-street 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.
  7. Notwithstanding subsection (1) of this section, when a property is changed in use to any of the following uses or activities, or any of the following uses or activities are added to a property, any existing deficiency in the number of off-street parking spaces shall not be required to be remedied and only those additional spaces required for the change of use or addition of the new use shall be required:
    - a. Accessory dwelling unit.

**Applicant Response: This application proposes 24 standard off-street spaces and one ADA space (total of 25) to serve the new 24-units of Lancaster Garden Apartments. The total Lancaster Gardens Apartment complex has 149 parking spaces. The above criteria are met.**

#### SRC-806.010- Proximity of off-street parking to use or activity served

Required off-street parking shall be located on the same development site as the use or activity it serves or in the following locations:

- A. Residential zones. Within residential zones, required off-street parking may be located within 200 feet of the development site containing the use or activity it serves.
- B. Nonresidential zones. Within commercial, mixed-use, public, and industrial and employment zones, other than the CB, WSCB, and SWMU zones, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves.
- C. Central business district zone. Within the Central Business (CB) Zone:



1. Off-street parking for customers may be located within 800 feet of the development site containing the use or activity it serves; and
2. Off-street parking for employees or residents may be located within 2,000 feet of the development site containing the use or activity it serves.
3. South waterfront mixed-use zone. Within the South Waterfront Mixed Use (SWMU) Zone, required off-street parking may be located anywhere within the South Waterfront Mixed Use (SWMU) Zone. Required off-street parking shall not be located in a different zone.
4. Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Overlay Zone. Within the Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
5. West Salem Central Business District Zone. Within the West Salem Central Business (WSCB) Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
6. Mixed Use-I (MU-I) and Mixed Use-II (MU-II). Within the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
7. Exception. Notwithstanding subsections (a) through (g) of this section, where required off-street parking for non-residential uses is to be located off-site from the use or activity it serves, it shall only be located within a non-residential zone or in a zone where the use or activity it serves is allowed. Parking located off-site from the use or activity it serves cannot be used to exceed maximum parking requirements set forth under SRC 806.015(d).

**Applicant Response: This application proposes 24 standard off-street spaces and one ADA space (total of 25) to serve the new 24-units of Lancaster Garden Apartments. The property is zoned RM-II (Multiple Family Residential), and all new parking spaces are shown to be near the proposed apartment buildings. The criteria are met.**

**SRC-806.015- Amount off-street parking**

- A. Minimum required off-street parking. Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.
- B. Compact parking. Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.
- C. Carpool and vanpool parking. New developments with 60 or more required 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. Maximum off-street parking.
  1. Maximum off-street parking is based upon the minimum number of required off-street parking spaces. 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 806-2A.

2. Maximum off-street parking where no minimum off-street parking is required. Where an activity does not require a minimum number of off-street parking spaces based on the requirements of Table 806-1, or because it is located in an area where no minimum off-street parking is required for the activity, off-street parking shall not exceed the amounts set forth in Table 806-2B. Parks and open space are exempt from maximum off-street parking standards.
3. Reductions to required off-street parking through alternative modes of transportation.
4. Construction of transit related improvements. When adjacent to transit service, minimum required off-street parking may be reduced by up to ten percent for redevelopment of an existing off-street parking area for transit-related improvements, including transit stops, pullouts and shelters, park and ride lots, transit-oriented developments, and similar facilities.
5. Satisfaction of off-street parking through implementation of a plan for alternative modes of transportation. Minimum required off-street parking for uses or activities other than household living may be reduced through implementation of a plan providing for the use of alternative modes of transportation to decrease the need for off-street parking. The plan shall be reviewed as a Class 2 Adjustment under SRC chapter 250.
6. Reductions to required off-street parking for multiple family developments.
7. For multiple family developments, the minimum number of required off-street parking spaces may be reduced through one or more of the following options, provided that the total number of off-street parking spaces reduced shall not exceed 25 percent:
  - a. Transit access. The minimum number of required off-street parking spaces may be reduced by:
    - i. 10 percent where developments are located within one-quarter mile of a transit stop as measured along a route utilizing public or private streets that are existing or will be constructed with the development; or
    - ii. 20 percent where developments are located within one-quarter mile of a transit stop that has 15-minute transit service as measured along a route utilizing public or private streets that are existing or will be constructed with the development.
  - b. Covered bicycle parking. The minimum number of required off-street parking spaces may be reduced by one space for every four covered bicycle parking spaces provided in addition to the minimum number of bicycle parking spaces required as set forth in SRC 806.055. The additional covered bicycle parking spaces must meet the standards of SRC 806.060 and must be located on site either outdoors or in a bike storage room that is accessible to all residents of the multiple family development.

- c. Shared car or van. The minimum number of required off-street parking spaces may be reduced by four spaces for every shared car or shuttle van that is provided on site and available for use by all residents.

**Applicant Response: This application proposes 24 units and 25 total off-street parking spaces which includes one new ADA parking space. No carpool or vanpool parking spaces are proposed, and the number of parking spaces shown on plans is below the maximum for the entire complex community (125 units; max # parking spaces = 221). Based on the information from City Staff and noted in the pre-application conference summary, the maximum number of off-street parking spaces is 221. No proposed reduction in off-street parking or transit related improvements are proposed with this application. All Bike parking is proposed to be covered and stored in the unit of each proposed apartment.**

**SRC-806.020- Method of providing off-street parking**

- A. General. Off-street parking shall be provided 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 with a minimum term of five years; such agreement may be utilized for:
    - a. Uses or activities other than single family and two family in all zones other than the Central Business (CB) Zone; and
    - b. All uses in the Central Business (CB) Zone;
  - 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; such agreement may be utilized for:
    - a. Uses or activities other than single family and two family in all zones other than the Central Business (CB) Zone; and
    - b. All uses in the Central Business (CB) Zone;
  - 5. Joint parking agreement. A joint parking agreement between the owners of two or more uses or activities, buildings or structures, or lots may be approved by the City. Joint use of required off-street parking spaces through a joint parking agreement may occur where two or more uses or activities on the same or separate development sites are able to share the same parking spaces because their parking demands occur at different times. Joint parking shall meet the following standards:
    - a. Proximity of joint parking to uses or activities served. Joint parking areas shall be located as set forth in SRC 806.010.
    - b. Compatible hours of operation. The hours of operation for the uses or activities subject to a joint parking agreement shall not substantially overlap and there shall be no substantial conflict in the principal operating hours.
  - 6. Review and filing of agreement. Prior to execution of any lease, rental, or joint parking 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.

7. Effect of expiration or termination of agreement. Upon expiration or termination of any lease, rental, or joint parking agreement set forth in this section, the parking requirements set forth in this chapter shall be fully met within 60 days of the date of such expiration or termination or the use or activity discontinued until the parking requirements are met.

**Applicant Response: All parcels associated with this project and the larger Lancaster Gardens Apartments are under the same ownership. No proposed joint parking agreement or parking easements are proposed with this application.**

**SRC-806.025- Off-street parking and vehicle storage area development standards for single family, two family, three family, and four family uses or activities**

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

A. Location within yards.

1. Front yard abutting street. Within a front yard abutting a street, off-street parking and vehicle storage shall be allowed only:
  - a. Within a garage or carport;
  - b. On a driveway leading to:
    - i. A garage or carport;
    - ii. A garage that has been legally converted to another use subsequent to its construction as a garage;
    - iii. A screened off-street parking area; or
    - iv. A screened vehicle storage area; or
  - c. On a circular driveway meeting the standards set forth in SRC 806.030(e).
2. Side and rear yards abutting street. Within side and rear yards abutting a street, off-street parking and vehicle storage shall be allowed only:
  - a. Within a garage or carport;
  - b. Within an off-street parking area or vehicle storage area that is screened as set forth in SRC 806.025(f); or
  - c. On a driveway leading to:
    - i. A garage or carport;
    - ii. A garage that has been legally converted to another use subsequent to its construction as a garage;
    - iii. A screened off-street parking area; or
    - iv. A screened vehicle storage area; Or
  - d. On a circular driveway meeting the standards set forth in SRC 806.030(e).
3. Interior front, side, and rear yards. Within interior front, side, and rear yards, off-street parking and vehicle storage shall be allowed only:

- a. Within a garage or carport;
  - b. Within an off-street parking area or vehicle storage area that is screened as set forth in SRC 806.025(f); or
  - c. On a driveway leading to:
    - i. A garage or carport;
    - ii. A garage that has been legally converted to another use subsequent to its construction as a garage;
    - iii. A screened off-street parking area; or
    - iv. A screened vehicle storage area.
- 4. Garage or carport vehicle entrance setback abutting street or flag lot accessway. The vehicle entrance of a garage or carport facing a street or flag lot accessway shall be setback a minimum of 20 feet.
  - 5. Dimensions. Off-street parking spaces shall conform to the minimum dimensions set forth in Table 806-3.
  - 6. Maneuvering. Where access to off-street parking is taken from an alley, a minimum maneuvering depth of 24 feet shall be provided between the back of the parking space and the opposite side of the alley.
  - 7. Surfacing. Off-street parking areas and vehicle storage areas shall be paved with a hard surface material meeting the Public Works Design Standards.
  - 8. Screening. Off-street parking areas and vehicle storage areas shall be screened as follows:
  - 9. Off-street parking areas located within a garage or carport or on a driveway are not required to be screened. All other off-street parking areas shall be screened from all public areas, public streets, and abutting residential uses by a minimum six-foot-tall sight-obscuring fence, wall, or hedge.
  - 10. Vehicle storage areas within an enclosed structure or on a driveway are not required to be screened. All other vehicle storage areas shall be screened from all public areas, public streets, and abutting residential uses by a minimum six-foot-tall sight-obscuring fence, wall, or hedge.

**Applicant Response: This application proposes multi-family development and therefore the above criteria do not apply.**

**SRC-806.030- Driveway development standards for single family, two family, three family, and four family uses or activities**

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

- A. Location. Driveways crossing from the lot line to a permitted off-street parking area by the shortest direct route and circular driveways meeting the standards set forth in subsection (e) of this section shall be permitted within yards abutting streets.
- B. Dimensions. Driveways shall conform to the minimum dimensions set forth in Table 806-4. The minimum width of a driveway serving more than one parking space must meet the standard set

forth in Table 806-4 for only the first 20 feet of depth behind the parking spaces served; beyond 20 feet, the minimum width may be reduced to ten feet.

C. Surfacing.

1. All driveways, except those serving developments on parcels within approved partitions located more than 300 feet from an available sewer, shall be paved with a hard surface material meeting the Public Works Design Standards. Driveways serving developments on parcels within approved partitions located more than 300 feet from an available sewer are not required to be paved.
2. Access to vehicle storage areas shall be paved with a hard surface material meeting the Public Works Design Standards.
3. Turnaround. Where a driveway is allowed onto an arterial street, the driveway shall be configured as a circular driveway or an on-site hammer-head turnaround shall be provided.
4. Circular driveways. Circular driveways are allowed subject to the following additional standards:
5. The driveway shall provide access to a lot that abuts an arterial or collector street;
6. The driveway shall be a minimum width of ten feet and shall not exceed a maximum width of 15 feet; and
7. The area of the lot located on the inside curve of the driveway between the driveway and the street shall be landscaped.

**Applicant Response: This application proposes multi-family development and therefore the above criteria are not applicable.**

**SRC-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.
5. Location.
6. Generally. Off-street parking and vehicle use areas shall not be located within required setbacks.
7. 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.
8. 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.
  9. Perimeter setbacks and landscaping.
  10. 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.
  11. 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.
    - 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.
- 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.
  - 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.
  - 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.
12. 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.
13. 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.
14. 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.
15. Interior landscaping.

16. 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.
17. Minimum percentage of interior landscaping required. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. 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.
18. 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.
19. 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).
20. Off-street parking area dimensions. Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6; provided, however, minimum off-street parking area dimensions shall not apply to:
21. Vehicle storage areas.
22. Vehicle display areas.
23. Off-street parking area access and maneuvering. In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
24. Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
25. 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 806-7.
26. 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.
27. 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 counts towards meeting interior off-street parking area landscaping requirements, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:

28. Vehicle storage areas within the IG zone.
29. Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
30. Gravel off-street parking areas, approved through a conditional use permit.
31. 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.
32. 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:
  - a. Vehicle storage areas.
  - b. Vehicle sales display areas.
33. 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:
34. Vehicle storage areas.
35. Vehicle sales display areas.
36. Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
37. Gravel off-street parking areas, approved through a conditional use permit.
38. Marking and signage.
39. 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.
40. Compact parking. Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.
41. 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.
42. 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.
43. Off-street parking area screening. Off-street parking areas with more than six spaces shall be screened from abutting residentially zoned property, or property used for uses or activities falling under household living, by a minimum six-foot-tall sight-obscuring

fence, wall, or hedge; provided, however, screening is not required for vehicle storage areas within the IG zone.

**Applicant Response: The applicant proposes to expand the existing Lancaster Gardens Apartments community with three new buildings consisting of 24 new dwelling units. The existing Lancaster Gardens Apartment complex consists of 101 existing dwelling units and 149 parking spaces. The expansion of this community as proposed with this application shows 25 additional parking spaces (including 1 ADA space) to accommodate the new dwelling units. That would bring the total dwelling units to 125 and parking spaces to 174 parking spaces for the entire community. The applicant has requested a Class 2 adjustments to reduce the vehicle use area setback to zero. A landscape plan has been included with this application to demonstrate compliance with above standards.**

**SRC-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.
- 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.
  - 3. Setbacks and landscaping.
  - 4. 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.
  - 5. 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).
  - 6. 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.

7. Dimensions. Driveways shall conform to the minimum width set forth in Table 806-8.
8. 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.
9. Drainage. Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
10. "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.

**Applicant Response: The applicant proposes off-street parking and access to all parking areas is via a private street/drive aisle or driveway. The driveway, drive aisle/private street all lead to access onto a public street and otherwise not within setback areas. A landscape plan has been included with this application to demonstrate compliance with landscape standards. Dimensions of drive aisles and curb cuts are shown on the submitted plans and comply with width standards. All pavement proposed with this application is shown to be AC pavement to comply with PWDS. A grading plan and stormwater report were submitted with this application to demonstrate compliance with drainage standards. No Parking signs are proposed to be installed as conditioned to meet the above standard. The criteria are met.**

**SRC-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.
  4. Applicability to change of use of existing building in Central Business District (CB) zone. Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone 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.
  5. 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.

**Applicant Response: The applicant understands bicycle parking is required for this proposal. Bicycle parking is proposed throughout the existing complex community and shown on sheet A115 of the architectural plan set.**

**SRC-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.

**SRC-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.
- 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).

**Applicant Response: This application proposes 25 apartment units (including one ADA space) and bike parking is proposed throughout the existing complex community. Per Table 806-9 all bike parking spaces are shown to be short-term spaces. The above criteria are met.**

**SRC-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.
  - 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.
- 3. 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.
- 4. Dimensions. All bicycle parking areas shall meet the following dimension requirements:
- 5. Bicycle parking spaces. Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
- 6. 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.
- 7. 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.
- 8. 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:
- 9. 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.
- 10. 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;



11. Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
12. Racks shall be securely anchored.
13. Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.
14. Bicycle lockers. Where bicycle parking is provided in lockers, the lockers shall meet the following standards:
15. Lockers shall conform to the minimum dimensions set forth in Table 806-10.
16. 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.
17. Lockers shall be securely anchored.

**Applicant Response: The required number of bike parking spaces is 13 for all 125 units. On sheet A115, all bike parking spaces (existing and proposed) are shown throughout the existing complex community. The standards for short-term bike parking are met.**

**SRC-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.
  4. 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.

**Applicant Response: Off-street loading areas are within the surface parking areas shown on the submitted site plan.**

**SRC-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.

**Applicant Response: All parking areas are shown on the same parcel as the proposed use (see submitted site plan sheet 3). The criterion is met.**

**SRC-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.

- 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.

**Applicant Response: Per Table 806-11, based on the size of this proposal there is no minimum off-street loading spaces required. As shown on the submitted site plan, off-street surface parking areas are shown to be sufficient for loading and long-term parking.**

**SRC-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.
  - 3. Dimensions. Loading areas shall conform to the minimum dimensions set forth in Table 806-9.
  - 4. 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.
  - 5. 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:
  - 6. Temporary and seasonal gravel loading areas, approved pursuant to SRC chapter 701.
  - 7. Gravel loading areas, approved through a conditional use permit.
  - 8. Drainage. Loading areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
  - 9. 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.

**Applicant Response: Parking areas are shown on sheet A115 of the submitted plans and includes loading areas. Landscaping is shown within the off-street parking areas and the site perimeter. Vehicle maneuvering is shown to be safe throughout the off-street parking areas with circulation to avoid backing out onto a public street. A stormwater and drainage report has been included with this submittal. All surfaces are proposed to be paved and no**

gravel areas are proposed for loading or parking areas. All proposed lighting is to be shown in a downward direction as to not shine onto adjacent property per the submitted photometric plan.

#### SRC-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.

#### SRC-807.005- Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caliper means the diameter of a tree trunk measured one foot above ground level. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its trunks.

Ground cover means living plant species which normally reach a height of less than three feet at maturity, planted in such a manner so as to form a continuous cover over the ground.

Landscaped area means the area of a development site that is required to be landscaped as provided under this chapter.

Landscaping means a combination of living plants, such as trees, shrubs, vines, ground covers, flowers, and grass; natural features such as streams, wetlands, rocks, stone, bark chips and shavings; and structural features, including, but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, arbors, and benches.

Mature tree means:

- A. A healthy tree of ten inches dbh or greater;
- B. A significant tree, as defined under SRC chapter 808;
- C. A heritage tree, as defined under SRC chapter 808; or
- D. A grouping of three or more four-inch dbh or greater evergreen or hardwood trees.

Ornamental tree means a relatively low growing deciduous or evergreen tree typically reaching a height of 15 to 20 feet which usually provides color due to its flowers, leaves, or fruit (berries).

Shade tree means a deciduous tree, or, in rare occasions, an evergreen tree, planted primarily for its high crown of foliage or overhead canopy.

Shrub means a deciduous or evergreen woody plant, smaller than a tree, which consists of a number of small stems from the ground or small branches near the ground.

**Applicant Response: The applicant understands the definitions listed above.**

#### SRC-807.010- Application

The provisions of this chapter apply to all required landscaping and screening under the UDC.

#### SRC-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.
- 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.
- 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.
  - 3. 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:
    - 4. 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.
    - 5. 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.

6. 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.
7. 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.
8. Street trees. Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

**Applicant Response: The applicant proposes planning 24 trees and 52 shrubs throughout the property which currently does not have any trees. Since the property currently does not have any trees, no tree removal is proposed. In addition to trees and shrubs, the applicant proposes to plant perennial rye grass throughout the site. Open space and landscaping details are identified in the architectural elevations and site plan submitted with this application.**

**SRC-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 (b)(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.
12. Landscaping permit.
13. Applicability. When development subject to the landscaping requirements is 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.
14. Procedure type. A landscaping permit is processed as a Type I procedure under SRC chapter 300.
15. 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.
16. Criteria. A landscaping permit shall be approved if the application meets all the applicable landscaping and irrigation standards set forth in this chapter.

**Applicant Response: A final landscaping plan and permit are proposed to be included with the building permit package once this land use application is approved. The applicant intends to include all required information listed above in the landscaping plan. A preliminary landscape plan has been included with this application to demonstrate the applicant can meet all criteria listed above.**

#### SRC-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.

**Applicant Response: All proposed landscaping is to be well growing and branched plants with healthy root systems.**

#### SRC-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.

**Applicant Response: The subject property does not contain any trees and therefore no trees are shown to be protected per chapter 808.**

#### SRC-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.

**Applicant Response: All required landscaping associated with this application is proposed to be installed at the time of construction. If an issue arises, the applicant will coordinate with the City for a performance guarantee.**

#### SRC-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.
  - 4. 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.



**Applicant Response:** A permanent underground irrigation system is proposed for all new, non-drought resistant plants in landscaped areas.

**SRC-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.

**Applicant Response:** The applicant proposes landscape maintenance to be the responsibility of the property management.

**SRC-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.

**Applicant Response:** The applicant understands that all landscaping is required to be installed prior to issuing a certificate of occupancy and understands the performance guarantee options.

**SRC-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.

**Applicant Response: No modification to the required landscaping is proposed with this application.**

#### **SRC-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.

#### **SRC-808.005- Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Arborist means a person who has met the criteria for certification from the International Society of Arboriculture or the American Society of Consulting Arborists and maintains a current accreditation.

Caliper means the diameter of a tree trunk measured at six inches above ground level for trunks up to and including four-inch caliper size and at 12 inches above ground level for larger sizes, when measuring nursery stock.

Critical root zone means the circular area beneath a tree established to protect the tree's trunk, roots, branches, and soil to ensure the health and stability of the tree. The critical root zone measures one-foot in radius for every one-inch of dbh of the tree or, as an alternative for non-significant trees, may be specifically determined by an arborist.

Development means to construct or structurally alter a structure or to make alterations or improvements to land for the purpose of enhancing its economic value or productivity.

Development proposal means any land division, mobile home park permit, conditional use, variance, greenway permit, planned unit development, or site plan review.

Grove means a group of trees providing at least one-half acre of canopy.

Hazardous tree means a tree that is cracked, split, leaning, has a dead top or a large dead limb high in the crown, or is otherwise physically damaged, to the degree that it is likely to fall and injure persons or property. Hazardous trees include diseased trees, meaning those trees with a disease of a nature that, without reasonable treatment or pruning, is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazardous trees.

Heritage tree means a tree designated as a heritage tree pursuant to SRC 808.010(a).

Invasive non-native vegetation means plant species that are not indigenous to Oregon and which, due to aggressive growth patterns and lack of natural enemies spread rapidly into native plant communities, and which are designated as invasive, non-native vegetation in the tree and vegetation technical manual.

Preserved means the tree appears to be healthy and shows no signs of significant damage due to construction.

Restoration means the return of a stream, wetland, or riparian corridor to a state consistent with habitat that is needed to support a healthy ecosystem.

Significant tree means:

- A. A rare, threatened, or endangered tree of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual;
- B. An Oregon white oak (*Quercus garryana*) with a dbh of 20 inches or greater; and
- C. Any other tree with a dbh of 30 inches or greater, but excluding:
  - 1. Tree of heaven (*Ailanthus altissima*);
  - 2. Empress tree (*Paulownia tomentosa*);
  - 3. Black cottonwood (*Populus trichocarpa*); and
  - 4. Black locust (*Robinia pseudoacacia*).

Suitable for preservation means the health of the tree is such that it is likely to survive the process of development and construction in good condition and health.

Top of bank means the elevation at which water overflows the natural banks and begins to inundate the upland.

Tree means any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is ten inches or more dbh, and possesses an upright arrangement of branches and leaves. The term "tree" also means any tree planted under SRC 808.035, regardless of dbh. For the purposes of this chapter, in a riparian corridor, the term "tree" includes a dead or dying tree that does not qualify as a hazardous tree.

Tree and Vegetation Technical Manual means that document adopted by the Council which contains administrative regulations to implement the provisions of this chapter, including, but not limited to, lists of invasive non-native vegetation and nuisance vegetation, native vegetation which may be planted to fulfill the requirements of this chapter, identification of waterways, and planting techniques.

Tree removal means to cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. The term "removal" includes, but is not limited to, topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. The term "removal" does not include normal trimming or pruning of trees.

Water-dependent activity means an activity which can be carried out only on, in, or adjacent to a waterway because the activity requires access to the waterway for water-borne transportation, recreation, energy production, or source of water.

**Applicant Response: The applicant understands the definitions listed above. The subject property does not have any existing trees.**

#### **SRC-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.

**Applicant Response: No heritage trees are identified on the subject property.**

#### SRC-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.

**Applicant Response: No significant trees are identified on the subject property.**

#### SRC-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.

**Applicant Response: The subject property does not have any riparian corridors. The above criterion does not apply.**

#### SRC-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.

**Applicant Response: This application proposes multi-family development, and the site does not have any existing trees. An existing conditions map has been included with this submittal.**

#### SRC-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.
3. Procedure type. A tree and vegetation removal permit is processed as a Type I procedure under SRC chapter 300.
4. 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:
5. 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.
6. 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.
- 7. 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.
- 8. Approval criteria. An application for a tree and vegetation removal permit shall be granted if one or more of the following criteria are met:
- 9. 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.
- 10. 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.
- 11. 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.
- 12. 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.
- 13. 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:
      - a. The location and alignment of existing streets extended to the boundary of the subject property;
      - b. The planned alignment of a street identified in the Salem Transportation System Plan (TSP);
      - c. 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;
      - d. Any relocation of the proposed street resulting in lots that do not meet lot standards;
      - e. 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.
  - c. Not more than five significant trees or 15 percent of the significant trees, whichever is greater, on the lot or parcel, or on contiguous lots or parcels under the same ownership, are proposed for removal.
14. Conditions of approval.
15. Conditions may be imposed on the approval of a tree and vegetation removal permit to ensure compliance with the approval criteria.
16. 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.

**Applicant Response: There are no existing trees on the subject property but as shown on the site plan, 24 trees are shown to be planted to meet landscaping requirements. The above criteria do not apply.**

#### SRC-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.

5. Approval criteria.
6. 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 are met.
7. 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:
  - a. Riparian corridors, provided the riparian corridor is not graded or developed;
  - b. Areas of the site with slopes exceeding 25 percent, provided such areas are not graded or developed; and
  - c. 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.
8. 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:
9. 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.
10. 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.
11. 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.
12. 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.
13. Conditions of approval.
14. Conditions may be imposed on the approval of a tree conservation plan to ensure compliance with the approval criteria.
15. 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.

16. 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.

**Applicant Response: There are no existing trees on the subject property but as shown on the site plan, 20 trees are shown to be planted to meet landscaping requirements. The above criteria do not apply.**

#### SRC-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).
3. Procedure type. A tree conservation plan adjustment is processed as a Type I procedure under SRC chapter 300.
4. 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:
5. 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.
6. 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.
7. 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.
8. Approval criteria.

9. 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.
10. 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:
    - a. Riparian corridors, provided the riparian corridor is not graded or developed;
    - b. Areas of the site with slopes exceeding 25 percent, provided such areas are not graded or developed; and
    - c. 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.
- 11. 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.
- 12. 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.
- 13. Solar power off-set. One 25-year 3-kilowatt solar array shall be provided for each tree removed.
- 14. Electric vehicle charging. One level 2 240-volt residential electric vehicle charging station shall be provided for each tree removed.
- 15. 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.
- 16. 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.

**Applicant Response: No tree conservation Plan adjustments are proposed with this application. The above criteria do not apply.**

#### **SRC-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.
  3. Approval criteria. A tree variance shall be granted if either of the following criteria is met:
  4. 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
  5. 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.
  6. Conditions of approval.
  7. 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.
  8. 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.

**Applicant Response: No tree variances are proposed with this application. The above criteria do not apply.**

**SRC-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.
  - 4. Native vegetation. All native vegetation shall be protected during construction with the installation of an above ground silt fence, or its equivalent.
  - 5. The above ground silt fence shall be located around the perimeter of the native vegetation.
  - 6. 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.

7. 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.

**Applicant Response: There are no existing trees on the subject property but as shown on the site plan, 24 trees are shown to be planted to meet landscaping requirements. Trees are proposed to be planted prior to issuance of an occupancy permit to prevent root damage during construction. The above criteria do not apply.**

**SRC-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.

**Applicant Response: There are no existing trees on the subject property but as shown on the site plan, 24 trees are shown to be planted to meet landscaping and tree planting requirements. The above criteria are met.**

**SRC-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.

**Applicant Response: No riparian corridors or trees are identified on the subject site. The above criteria do not apply.**

**SRC-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.
  - 4. 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.
  - 5. 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.

**Applicant Response: No action or use proposed with this application or existing use of the property requires enforcement action.**

---

#### **IV. CONCLUSION**

**Based upon the application materials submitted herein, the Applicant respectfully requests approval from the City's Planning Department of this application proposing a 24-unit apartment complex expansion and property line adjustments to consolidate interior lot lines and accommodate parking outside the required setback areas.**