SALEM REVISED CODE: TITLE X – UNIFIED DEVELOPMENT CODE

Chapter 250 Adjustments

250.005. Adjustments.

(a) Applicability.

(1) Classes.

(A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.

(B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

Response: The following Class 2 Adjustments are requested as a part of this completeness response:

- Class 2 Adjustment to reduce the required 5-foot landscape setback for parking garages abutting interior property lines, per SRC 806.035(c)(5), to 0 feet (100 percent reduction).
- Class 2 Adjustment to reduce the required 5-foot landscape setback for vehicle use areas abutting interior property lines, per SRC 536.015(c), to 0 feet (100 percent reduction).
- Class 2 Adjustment for an alternative vision clearance area standard for Belmont Alley.

(2) Prohibition. Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:

(A) Allow a use or activity not allowed under the UDC;

(B) Change the status of a use or activity under the UDC;

(C) Modify a definition or use classification;

(D) Modify a use standard;

(E) Modify the applicability of any requirement under the UDC;

(F) Modify a development standard specifically identified as non-adjustable;

(G) Modify a development standard that contains the word "prohibited";

(H) Modify a procedural requirement under the UDC;

(I) Modify a condition of approval placed on property through a previous planning action;

(J) A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or

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

Response: The requested Class 2 Adjustments included within this completeness response do not request an adjustment for any of the prohibited items listed above.

[…]

(d) Criteria.

(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.

Response: The Class 2 Adjustments included in this completeness response address development standards that are clearly inapplicable to the project or are equally met by the project as detailed below.

- Class 2 Adjustment to reduce the required 5-foot landscape setback for parking garages abutting interior property lines, per SRC 806.035(c)(5), to 0 feet (100 percent reduction).

  Parking garage setbacks are generally intended to screen vehicles from neighboring properties and create a more visually appealing pedestrian environment. The parking garages within Buildings 1, 2, and 3 abut interior property lines for a total of ±22 feet at each entrance. Although these portions of the parking garages abut interior property lines, they are a part of the same mixed-use community site. Furthermore, these portions of the parking garages are comprised of a wall that fully screens vehicles within the parking garage and is planned to include murals/public art which equally meets the purpose of the standard because it will create an engaging and appealing pedestrian environment. Adding a landscape setback along ±22 feet of the building would decrease the space provided for pedestrian access and create an inconsistent frontage of the buildings. This criterion is met.

- Class 2 Adjustment to reduce the required 5-foot landscape setback for vehicle use areas abutting interior property lines, per SRC 536.015(c), to 0 feet (100 percent reduction).

  Setbacks from internal property lines typically aim to enhance safety, functionality, and aesthetics between neighboring properties and developments. The subject internal property lines where the vehicle use areas are required to have a 5-foot landscape setback are internal to the overall mixed-use community site. Furthermore, Buildings 1, 2, and 3 are located along the internal property line as permitted in SRC 536.015(c). Although Buildings 1, 2, and 3 are located on separate lots, they are a part of the same mixed-use community site. Per SRC 806.035(c)(4), when a vehicle use area is located internally to the site, the required 5-foot setback from a building may be fulfilled by a minimum 5-foot-wide paved pedestrian walkway. Pedestrian walkways exceeding 5 feet in width are provided between the site entrance driveways and the buildings which are located along the property line as permitted in SRC 536.015(c). This equally meets the purpose of the standard by providing a setback

that better fits the character of the mixed-use community and enhances the aesthetics and functionality of the pedestrian circulation. This criterion is met.

Setbacks from internal property lines typically aim to enhance safety, functionality, and aesthetics within a development. In this case, the requested setback applies to vehicle use areas bordering internal lines at a mixed-use community. While Buildings 1, 2, and 3 are planned as separate lots, they are all part of the same development complex. This is important because SRC 806.035(c)(4) allows alternative solutions for internal setbacks. For instance, the code permits a minimum 5-foot-wide paved pedestrian walkway to replace the standard 5-foot landscape setback for internal vehicle use areas. The Cannery adheres to this by providing pedestrian walkways exceeding 5 feet in width, as permitted by SRC 536.015(c). This wider walkway effectively fulfills the safety, functionality, and aesthetic goals traditionally achieved by a landscape setback, and may even better suit the character of the mixed-use community.

- Class 2 Adjustment for an alternative vision clearance area standard for Belmont Alley.

  Belmont Alley does not meet the vision clearance standards of SRC Chapter 805. Alternative vision clearance area standards are required. Measuring vision clearance triangles along the property line and the sides of the driveway does not give consideration to the location of the drivers when turning out of the property. Drivers will position themselves closer to the intersection due to the longer driveway approach that extends past the property line, the sidewalk configuration along the stretch of Front Street, and the location of on-street parking as determined through the coordination between the Applicant, the City, and affected rail stakeholders regarding the ultimate design for Front Street NE. At a location closer to the intersection of the vehicle travel lanes of the driveway and Front Street NE, vision clearance will be unobstructed. The TIA in Attachment L provides justification for the alternative vision clearance standard and demonstrates that it meets acceptable sight distance requirements. This criterion is met.

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

Response: The subject property is within the MU-R zoning district, not a residential zone. This criterion does not apply.

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

Response: The purpose of the MU-R zoning district is to enhance the overall community experience along Salem's historic riverfront by creating a district where residents can live, work, and engage in social and recreational activities in proximity to the Willamette River. As detailed in the responses above, the requested adjustments are consistent with the overall purpose of the standards and cumulatively create a more harmonious neighborhood that reflects the unique characteristics of the site. This criterion is met.

Chapter 600 Willamette Greenway

600.010. Willamette Greenway Overlay Zone boundary; compatibility review boundary.

(a) Willamette Greenway Overlay Zone boundary. The boundary of the Willamette Greenway Overlay Zone shall be the Willamette Greenway Boundary, as mapped by the Oregon Department of Transportation. At the time of annexation, the Willamette Greenway Overlay Zone shall be automatically applied to any land, or portion thereof, within the annexed territory that lies within the Willamette Greenway Boundary.

Response: The Willamette River Greenway Overlay Zone boundary is defined as that boundary which is mapped by the Oregon Department of Transportation (ODOT). Applicant's surveyor utilized the legal description of the Willamette River Greenway per ODOT's Willamette River Greenway Plan for the City of Salem from September 10, 1979. However, the legal description provided within the document is vague and the boundary's location could be interpreted in a variety of ways. For simplicity, the Willamette Greenway Boundary per City data has been added to the revised Preliminary Site Plan and other applicable revised plans in Attachment F.

(b) Compatibility Review Boundary. The Compatibility Review Boundary is that area within the Willamette Greenway Overlay Zone that is located along each bank of the Willamette River, and lying 150 feet from the ordinary low water line of the Willamette River.

Response: The Compatibility Review Boundary, measured 150-feet landward of the ordinary low water line mapped by Applicant's surveyor, has been added to the revised Preliminary Site Plan and other pertinent revised plans in Attachment F. Please note that City data indicates the Compatibility Review Boundary extends further into the site. However, this additional area is not depicted on the Site Plan but will be considered when determining the class of Willamette Greenway development permit required.

600.015. Willamette Greenway development permit.

(a) Applicability.

(1) Except as provided under subsection (a)(2) of this section, no intensification, change of use, or development within the Willamette Greenway Overlay Zone shall occur unless a greenway development permit has been issued pursuant to this chapter.

(2) Exceptions. A greenway development permit is not required for:

(A) Maintenance of scenic easements acquired under ORS 390.368;

(B) Addition or modification of existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors by public or municipal utilities;

(C) Flood emergency procedures, and maintenance and repair of existing flood control facilities;

(D) Placement of signs, markers, aids, etc., by a public agency to serve the public;

(E) Residential accessory uses, such as lawns, gardens, and play areas in existence prior to June 9, 2004;

(F) Landscaping undertaken in accordance with this chapter;

(G) Storage of material or equipment associated with uses permitted outright within RA (Residential Agricultural) and RS (Single Family Residential) Zones, provided that the storage complies with all applicable provisions of the UDC;

(H) Seasonal increases in gravel operations, subject to any conditions imposed by law, ordinance, or conditional use approval;

(I) Improvement of a public park, in accordance with an officially approved master plan and the setback requirements of this chapter;

(J) Alterations of buildings or accessory structures which do not increase the size or alter the configuration of the building or accessory structure footprint;

(K) Activities allowed within the underlying zone which are usual and necessary for the use and enjoyment of an existing residence, including the modification of existing accessory structures;

(L) Ordinary maintenance and repair of buildings, structures, parking lots, or other site improvements that were in existence prior to June 9, 2004;

(M) Removal of nuisance or invasive non-native vegetation identified on the City of Salem Plant List, and consistent with erosion prevention and sediment control standards in SRC chapter 75; or

(N) Development of a Willamette Greenway trail or access paths, provided that all development and management standards meet the requirements of adopted parks management plans.

Response: As indicated in the written narrative of the original submittal, while a portion of the subject site is located within the Willamette River Greenway boundary, great care has been taken to design the project in a manner that does not result in impacts to this area. Planned activities in the Willamette River Greenway boundary include alterations to existing buildings that do not increase the size or alter the configuration of building footprints (SRC 600.015[a][2][J]); ordinary maintenance and repair of buildings that existed prior to June 9, 2024 (SRC 600.015[a][2][L]); and, development of a Willamette Greenway trail or public access path (SRC 600.015[a][2][N]). Per SRC 600.015(a)(2), a greenway development permit is not required for this work. Please see the City's August 8, 2023, interpretation decision in Exhibit K of the original submittal confirming these exceptions.

City staff have determined that the Willamette River Greenway Boundary identified per City data extends further into the site compared to the boundary originally identified by the Applicant. This necessitates review of additional site improvements through a Willamette Greenway development permit. As shown on the revised Preliminary Site Plan in Attachment F, these additional improvements consist of: 1) a portion of the parking area located between Buildings 2,3and 4; and 2) a portion of Building 3. A Willamette Greenway development permit is included with this completeness response.

(b) Classes.

(1) Class 1 greenway development permit. A Class 1 greenway development permit is a permit for any intensification, development, or change of use occurring within the Willamette Greenway, but outside of the compatibility review boundary.

(2) **Class 2 greenway development permit. A Class 2 greenway development permit is a permit for any intensification, development, or change of use occurring inside of the compatibility review boundary.**

Response: City data indicates the Compatibility Review Boundary extends further into the site than the boundary measured 150 feet from the ordinary low water line mapped by Applicant's surveyor. Although this additional area is not depicted on the Site Plan, a Class 2 greenway development permit is included in this completeness response, as requested by City staff.

(c) **Procedure type.**

(1) **Class 1 greenway development permit. A Class 1 greenway development permit is processed as a Type II procedure under SRC chapter 300.**

(2) **Class 2 greenway development permit. A Class 2 greenway development permit is processed as a Type III procedure under SRC chapter 300.**

Response: With the addition of this Class 2 greenway development permit, this consolidated land use application will be elevated to the Type III procedure under SRC Chapter 300.

(d) **Submittal requirements. In addition to the submittal requirements under SRC chapter 300, an application for a Class 1 or Class 2 greenway development permit shall include the following:**

(1) **An existing conditions 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 total site area, dimensions, and orientation relative to north;**

(B) **Site topography shown at five-foot contour intervals, or two-foot contour intervals for areas within a floodplain;**

(C) **The location of existing buildings, accessory structures, and other improvements on the site, including parking areas, loading areas, driveways and driveway approaches, fences, and walls, and whether they are to be removed;**

(D) **The location of the 100 year floodplain, if applicable; and**

(E) **The location of drainage patterns and drainage courses, if applicable.**

Response: An Existing Conditions Plan is included in the revised Preliminary Land Use Plans in Attachment F of this completeness response. This requirement is met.

(2) **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 total site area, dimensions, and orientation relative to north;**

(B) **The use, location, distance to property lines, and height of all proposed buildings and accessory structures;**

(C) **The location, distance to property lines, and layout of all proposed parking areas, including the size, number, and dimensions of proposed spaces;**

(D) **The location of all proposed driveways and driveway approaches;**

(E) **The location and square footage of all proposed landscaping;**

(F) **The location, height, and material of all proposed fences, walls, berms, and other proposed screening;**

(G) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;

(H) The location of the riparian buffer required under SRC 600.025(c)(2);

(I) The location of the ordinary low water line and the ordinary high water line; and

(J) The location of proposed pedestrian circulation areas.

Response: All applicable information listed above is included on the Preliminary Site Plan in the revised Preliminary Land Use Plans in Attachment F, revised Preliminary Landscape Plans in Attachment H, and the revised Preliminary Building Elevations and Floor Plans in Attachment K of this completeness response. This requirement is met.

(3) Identification of the color and exterior surface materials of all proposed buildings, structures, fences, walls, and mechanical equipment.

Response: The color and exterior surface materials of all proposed buildings, structures, fences, walls and mechanical equipment are identified on the revised Preliminary Building Elevations and Floor Plans in Attachment K of this completeness response, as applicable. This requirement is met.

(4) A mitigation plan containing the following:

(A) Identification of a wider riparian buffer, in compliance with the standards set forth in SRC 600.025(c)(3)(A), if a greater riparian buffer is chosen as a mitigation measure under SRC 600.025(c)(3).

(B) An enhancement plan, in accordance with the Willamette Greenway Riparian Buffer Enhancement Guide, if riparian buffer enhancement is chosen as a mitigation measure under SRC 600.025(c)(3).

(C) An off-street parking stormwater management plan, in compliance with the standards set forth in SRC 600.025(c)(3)(C), if off-street parking design standards for stormwater quantity and quality are chosen as a mitigation measure under SRC 600.025(c)(3).

(D) A tree planting plan, in compliance with the standards set forth in SRC 600.025(c)(3)(D) if tree planting for stormwater management is chosen as a mitigation measure under SRC 600.025(c)(3).

(E) The location and design of proposed alternative paving techniques, in accordance with the standards set forth in SRC 600.025(c)(3)(E), if utilization of alternative paving techniques is chosen as a mitigation measure under SRC 600.025(c)(3).

Response: A wider riparian buffer will not be utilized as a mitigation measure. This requirement is not applicable.

(5) A report by a certified engineering geologist or geotechnical engineer demonstrating that the standards specified in SRC 600.025(a)(2) have been met.

Response: A Geotechnical Engineering Report was included in the original submittal as Exhibit G. This requirement is met.

(6) A report by a registered professional engineer detailing the hydraulic and flood carrying capacity of the river.

Response: Per coordination with City staff, a report detailing the hydraulic and flood carrying capacity of the river may not be required due to the project only impacting currently disturbed areas and because no work will occur within the floodplain.

(e) Criteria.

[…]

(2) Class 2 greenway development permit. An application for a Class 2 greenway development permit shall be granted if all of the following criteria are met:

(A) The proposed intensification, development, or change of use is consistent with:

(i) The Willamette River Greenway Plan;

(ii) The Willamette Greenway Riparian Buffer Enhancement Guide;

Response: The Willamette River Greenway Plan was adopted to achieve the following objectives:

- To protect and enhance the natural, scenic, recreational, historical, and economic resources of the Willamette River corridor.
- To make the natural, scenic, recreational, historical, and economic resources available for the proper use and enjoyment of the Salem urban area resident.
- To balance the needs and demands of commerce, industry, and people for access to the unique resources of the river.
- To allow for use and development consistent with the Greenway concept and the Salem Area Comprehensive Plan policies.
- To allow and encourage a variety of recreational developments and types of public access to and along the river while preserving, protecting, and enhancing the scenic qualities of the river and the riparian environment.

Planned improvements within the Willamette River Greenway Boundary encompass an extension of the Willamette Greenway Path, adaptive reuse of existing structures, and landscape and open space elements designed to enhance river views and create a more integrated outdoor experience for tenants and guests. An area within the Willamette River Greenway Boundary, which is currently developed with pavement and a structure will also accommodate a portion of the parking area serving the mixed-use community and a mixed-use building. These improvements are not located within the riparian buffer and will result in a reduction of permanent ground-disturbing activities on site and create new areas for riparian vegetation, open space, and opportunities for active and passive enjoyment of the Willamette River while allowing existing urban uses that promote economic viability, all of which are consistent with the Willamette River Greenway Plan. These criteria are met.

(iii) The applicable standards of this chapter; and

Response: Conformance with the applicable standards of this chapter is detailed in this completeness response. This criterion is met.

(iv) Where applicable, the stormwater runoff water quality standards adopted and administered by the Public Works Department.

Response: A Preliminary Stormwater Report was provided as Exhibit H of the original submittal which details how the stormwater quantity and quality management is planned to comply with all applicable standards. Additional comments received from City staff as a part of this completeness review are being coordinated (Attachment M). This criterion is met.

(B) The proposed intensification, development, or change of use complies with all applicable development standards in the UDC.

Response: Conformance with all applicable development standards in the UDC are detailed in the original application submittal and these additional SRC responses. This criterion is met.

(C) The proposed intensification, development, or change of use will, to the greatest extent possible, provide the maximum possible landscaped area, open space, or vegetation.

Response: The revised Preliminary Landscape Plans in Attachment H detail the planned landscaping, which prioritizes conserving and restoring native vegetative cover within the Willamette Greenway Boundary and the entire site. All new plantings will be native species. Furthermore, most of the site area subject to the greenway development permit is currently developed with pavement and structures and has minimal vegetation. The planned improvements will significantly improve the landscaped area, open space, and vegetation on site as shown on the Preliminary Landscape Plans. This standard is met.

(f) Conditions of approval.

(1) Conditions may be imposed on any greenway development permit necessary to insure that proposed intensification, development, or change of use complies with the Willamette River Greenway Plan and the purpose of this chapter, and preserves and enhances the natural, scenic, historic, and recreational qualities of the Willamette River Greenway.

Response: This provision is understood. Conformance with the Willamette River Greenway Plan and the purpose of this chapter is detailed above. No additional conditions of approval are anticipated to ensure conformance.

(2) In addition to any conditions imposed under subsection (f)(1) of this section, every greenway development permit shall include the following conditions:

(A) Prior to any excavation, grading, or construction, a survey map, certified by a licensed professional land surveyor, shall be submitted to the Director showing the Willamette Greenway Boundary and its relationship to the site and survey monuments thereon.

(B) Prior to any excavation, grading, or construction, plans for removal and replacement of any native vegetation shall be submitted to and approved by the Director.

Response: This provision is understood.

600.025 Development standards

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

(a) General standards.

(1) Existing predominant topographical features of the bank and escarpment shall be preserved and maintained, with the exception of disturbance necessary for:

(A) The construction or establishment of a water-related, water-dependent, or river-oriented use or activity; and

(B) Measures necessary to reduce existing or potential bank and escarpment erosion, landslides, or flood hazard conditions.

Response: As indicated in the original submittal, existing predominant topographical features of the bank and escarpment will be preserved and maintained as shown on the Preliminary On-Site Demolition Plan in Attachment F. This standard is met.

(2) The slope, soil characteristics, and other physiographic conditions existing within the land area between the ordinary low water line and the Willamette Greenway Boundary shall be considered to assure that the proposed intensification, development, or change of use will not adversely affect the stability of the land area.

Response: Only minor improvements (e.g. building maintenance, reducing the footprint of an existing building, and a public pathway) and improvements over currently developed areas on site are planned in the Willamette River Greenway boundary. A Geotechnical Engineering Report was provided in Exhibit G of the original submittal to ensure that the project would not adversely affect the stability of the land area. This standard is met.

(3) The hydraulic effect of the Willamette River on the bank shall be considered in the design of any proposed intensification, development, or change of use.

(4) The hydraulic and flood carrying capacity of the river shall be considered in the design of any proposed intensification, development, or change of use.

Response: Only minor improvements (e.g. building maintenance, reducing the footprint of an existing building, and a public pathway) and improvements over currently developed areas on site are planned in the Willamette River Greenway boundary. The hydraulic effect of the Willamette River on the bank and the flood carrying capacity of the river were considered in the design of the project, and should not be impacted. This standard is met.

(5) Impact on the riparian buffer resulting from the proposed intensification, development, or change in use shall be minimized.

Response: As indicated in the original submittal, the project's impact on the riparian buffer is minimized to only those actions exempt from a Willamette Greenway permit. This standard is met.

(b) Landscaping.

(1) Landscaping shall conserve, or if disturbed by the development activity restore to the greatest extent possible, vegetative cover within the Willamette Greenway Boundary. Landscaping is not required where it would significantly interfere with a water-dependent or water-related use or activity.

Response: As indicated in the original submittal, the planned landscaping as shown on the revised Preliminary Landscape Plans in Attachment H, will conserve and restore, to the greatest extent possible, vegetative cover within the Willamette Greenway Boundary. All new landscaping will be comprised of native species. This standard is met.

(2) Native vegetation removed from the riparian buffer shall be replaced with native vegetation which is compatible with and enhances the functions of the riparian buffer.

Response: No native vegetation is planned for removal from the riparian buffer. All new vegetation planned for the site, including that to be placed within the riparian buffer will be native vegetation that is compatible with and enhances the functions of the riparian buffer as shown on the Preliminary Landscape Plans in Exhibit C. This standard is met.

(3) Trees and shrubs shall be provided as follows:

(A) A minimum of one tree shall be provided for every 20 feet of river frontage.

(B) A minimum of one shrub shall be provided for every two feet of river frontage.

(C) All trees and shrubs shall be planted within and generally riverward of the Willamette Greenway Boundary.

(D) The planting standards included under subsections (b)(3)(A) and (B) of this section are for calculation purposes only, and do not require linear planting. Groupings of trees, shrubs, or both are encouraged, particularly along the riverbank.

Response: As detailed on the revised Preliminary Landscape Plans in Attachment H, the project site has ±894 feet of river frontage which requires a minimum of 45 trees (894/20 = 44.7) and 447 shrubs (894/2 = 447). Fifty-seven existing trees on-site are located within the Willamette Greenway Boundary and six additional trees are planned to be planted within the boundary, providing a total of 63 trees. Additionally, 699 new shrubs are planned to be provided within the Willamette Greenway Boundary. These standards are met.

(4) Areas which are not paved or revetted shall be planted with living ground cover.

Response: As indicated in the original submittal, areas that are not paved or revetted will be planted with living ground cover. This standard is met.

(c) Water quality.

(1) Water quality development standards, generally. In order to protect and improve water quality within the Willamette Greenway Boundary, a riparian buffer, as set forth in subsection (c)(2) of this section, along with one or more of the mitigation measures, as set forth in subsection (c)(3) of this section, shall be established.

(2) Riparian buffer. A riparian buffer shall be established as set forth in this subsection.

(A) Boundary. The applicant shall establish the riparian buffer boundary by choosing one of the following two methods:

(i) Method 1. Method 1 provides a relatively simple methodology for establishing a uniform riparian buffer boundary based on three bank slope measurements. The three bank slope measurements shall be taken along the Willamette River, one at each property line and one located at the center of the property, as determined by measuring the property line parallel to the Willamette River, and dividing it by two. Example: A 150-foot property line adjoining the Willamette River would result in bank slope measurements starting at the first property line, the 75-foot mark, and then the other property line. The riparian buffer boundary pursuant to Method 1 shall be established as set forth in Table 600-1.

(ii) Method 2. Method 2 enables properties with varying bank slopes to establish a varying riparian buffer boundary reflecting site conditions and maximizing the area available for development. Bank slope measurements shall be taken along the Willamette River spaced at intervals no greater than 20 feet along ordinary high water line. The riparian buffer boundary pursuant to Method 2 shall be established as set forth in Table 600-2.

(B) When the riparian buffer measures more than 100 feet or 125 feet, depending on the bank slope, from the ordinary high water line, the property shall receive credit for meeting the wider riparian buffer mitigation measure under SRC 600.025(c)(3)(A).

Response: The riparian buffer boundary is shown on the Preliminary Site Plan in Exhibit A. The boundary was established through Method 2. Refer to Attachment P of this completeness response. This standard is met.

(3) Mitigation measures. A mitigation plan, to mitigate the effects of any intensification, development, or change of use, shall be provided based on one of the following mitigation measures:

Response: As indicated in the original submittal, mitigation measure (C) will be utilized to mitigate any effects of the planned improvements within the Willamette Greenway Boundary, as detailed below.

[…]

(C) Off-street parking stormwater quantity and quality. Parking lot construction which gives consideration to the quantity and quality of stormwater generated by any new or expanded impervious surface area may be provided as a mitigation measure when such parking lot construction complies with the following standards:

(i) On-site stormwater detention shall be provided in accordance with the City's Stormwater Management Design Standards. On-site retention facilities, with no direct discharge into the Willamette River, shall be used to the maximum extent practicable.

(ii) Any new parking lot that creates more than 500 square feet of impervious surface, or any parking lot that redevelops more than 500 square feet of impervious surface, may use parking area landscaping required under SRC chapter 806 to manage stormwater from the new or redeveloped area. If such landscaped area does not allow for adequate sizing of the stormwater facilities, the applicant may choose one of following options:

(aa) Increase the landscape area within the parking lot to accommodate the required stormwater facility size; or

(bb) Use additional stormwater management facilities, which may include non-landscaped approaches, to obtain the required level of treatment.

(iii) Stormwater treatment facilities shall be designed in accordance with the City's Stormwater Management Design Standards, or in the absence of specific design criteria therein, in accordance with generally accepted standards in the industry. All treatment facilities shall be designed to remove pollutants, including, but not limited to, principally settleable solids, total suspended solids, oil, and grease, to the maximum extent practicable. Any of the following approaches may be used to remove pollutants:

(aa) Landscape planters;

(bb) Trees;

(cc) Landscape vegetated or grassy swales;

(dd) Vegetative filters;

(ee) Landscape filters;

(ff) Sand filters;

(gg) Permeable or porous pavement;

(hh) Soakage trenches;

(ii) Infiltration trenches;

(jj) Proprietary engineered devices approved by the Director, when supporting technical information from the manufacturer is provided including hydraulic design criteria, particulate removal efficiency, and operations and maintenance requirements and schedule; or

(kk) Other site-specific measures sufficient to remove pollutants to the maximum extent practicable, as approved by the Director.

(iv) All approved stormwater quantity and quality facilities shall be carefully and properly designed and subsequently operated and maintained so as to avoid groundwater contamination, erosion and off-site sediment transport, landslide hazards, and other similar concerns identified in the City's Stormwater Management Design Standards.

Response: A Preliminary Stormwater Report was provided as Exhibit H of the original submittal which details how the stormwater quantity and quality management is planned to comply with all applicable standards. Additional comments received from City staff as a part of this completeness review are being coordinated (Attachment M). These standards are met.

[…]

(d) Structures. All buildings, structures, and exterior mechanical equipment shall be screened, colored, or surfaced so as to blend with the riparian area. Colors shall be natural earth or leaf tones. Surfaces shall be non-reflective. Screening shall be sight-obscuring.

Response: As indicated in the original submittal, all structures within the Willamette Greenway Boundary are designed with natural earth and leaf tones as shown on the revised Preliminary Building Elevations and Floor Plans in Attachment K. Additionally, existing vegetation and grade differences screen these structures from the river. This standard is met.

(e) Lighting.

(1) Lighting shall not flash, if visible from the Willamette River, and shall not be focused or oriented onto the surface of the Willamette River.

(2) The maximum aggregate intensity of all lighting falling on the surface of the Willamette River shall not exceed one-tenth foot-candle per square foot.

(3) No red or green lights shall be visible from the Willamette River.

(4) Notwithstanding any other provision of this section, lighting necessary for safety of pedestrians may be provided for public or private walkways.

Response: As indicated in the original submittal, planned lighting will confirm to the standards of this subsection. Lighting will not be focused on or oriented onto the surface of the Willamette River. Furthermore, no red or green lights are planned. The standards are met.

(f) Screening of parking and unenclosed storage areas. Parking, loading, and unenclosed storage areas shall be screened from the Willamette River and from adjacent properties by:

(1) A sight-obscuring berm; or

(2) A sight-obscuring hedge, a minimum of six feet in height at maturity. Hedges shall, when planted, be no less than three feet in height and shall be of a species capable of attaining a minimum height of six feet within three years after planting.

Response: A portion of the off-street parking area is located within the Willamette Greenway Boundary (per City data) as shown on the revised Preliminary Site Plan in Attachment F. This portion of the off-street parking area subject to the Willamette Greenway development permit will be screened from the Willamette River and adjacent properties with a sight-obscuring hedge reaching a minimum of six feet in height at maturity, as shown in the revised Preliminary Land Use Plans in Attachment H. No unenclosed storage areas are planned. These standards are met.

(g) View corridors.

(1) Whenever right-of-way located wholly or partially within the Willamette Greenway Overlay Zone is vacated, the City shall retain a scenic easement or other equivalent interest in the area vacated to provide visual access to the Willamette River across the entire width of the vacated right-of-way, or for a width of 30 feet, whichever is less, and along the entire length of the vacated right-of-way. Subject to approval by the Council, the abutting property owner, or owners, may substitute an area with equivalent size and dimensions under like restriction, if the substitute area provides comparable or better visual access to the Willamette River.

(2) The area covered by the scenic easement or other equivalent interest shall be limited to use for walkways, bicycle paths, and berms or landscaped areas; provided, however, that within an area of 7.5 feet on either side of the centerline of the scenic easement or other equivalent interest, landscaping and berms shall not exceed three feet in height.

Response: No right-of-way that is wholly or partially within the Willamette Greenway Overlay Zone is planned to be vacated. These standards do not apply.

(h) Public access. Where practical, public access to and along the Willamette River should be provided by easement, dedicated right-of-way, or other appropriate legal means.

Response: An extension of the Willamette Greenway Path, identified in both the Salem Comprehensive Park System Master Plan Update and the TSP, will be provided, including a 10-foot-wide paved walkway within a 15-foot public access easement, as shown on the revised Preliminary Site Plan in Attachment F. This standard is met.

Chapter 803 Streets and Right-of-Way Improvements.

[…]

803.065. Alternative street standards.

(a) The Director may authorize the use of one or more alternative street standards:

(1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;

(2) Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or

(3) Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.

(b) Authorization of an alternative street standard may require additional or alternative right-of-way width, easements, and improvements to accommodate the design and construction using the alternative standard.

Response: As detailed in the original submittal, planned frontage improvements to Front Street NE are illustrated on the Preliminary Land Use Plans (Exhibit A of original submittal, Attachment F of this completeness response) and have been designed in consultation with the City of Salem, ODOT Rail, and Portland and Western Railroad. Final design of the planned frontage improvements to Front Street NE is currently under formal review as part of ODOT's rail diagnostic program, and a final decision on the roadway design is expected in Fall 2024.

The City can find that an alternative street standard is appropriate here given the pattern of existing development, right-of-way constraints, and the presence of the active Portland

and Western Railroad line in Front Street NE. The criteria can be met with the imposition of the condition of approval discussed above, under the response to SRC 803.035.

Three alternative street standards are requested as a part of this consolidated application as listed below:

- Block spacing – The Front Street NE block spacing exceeds the 600-foot block length standard. Per subsection (a)(3) above, the location of the subject site makes the construction of additional streets through the site undesirable. The planned driveways provide sufficient site access. Staff indicated support for an alternative street standard so long as a 10-foot shared path is provided consistently throughout the site that provides connectivity. Such pedestrian connectivity is provided as detailed on the Preliminary Site Plan in Attachment F.
- 30-foot half width right-of-way and Front Street NE design – The Front Street NE design does not conform to the 30-foot half width right-of-way or minor arterial standards. As detailed above, an alternative street standard is appropriate per subsection (a)(1), due to the presence of the active Portland and Western Railroad line in Front Street NE which makes compliance with these standards impracticable.

These standards are met.

Chapter 805 Vision Clearance

[…]

805.005. Vision clearance areas.

Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone.

[…]

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

(1) Driveways.

(A) Driveways serving single family and two family uses. Driveways serving single family and two family uses shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along each side of the driveway, and ten-foot legs along the intersecting street or alley (see Figure 805-4).

(B) Driveways serving uses other than single family and two family. Driveways serving uses other than single family and two family shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along the driveway and 50-foot legs along the intersecting street or alley (see Figure 805-5).

Response: Each of the three site driveways are subject to this standard. Vision clearance triangles with 10-foot legs along each side of the driveway and 50-foot legs along Front Street NE are shown on the Preliminary Site Plan in Exhibit A. The Gaines Street Entrance meets this standard. The Market Street Entrance and Belmont Alley have a small portion of Buildings

1, 2, and 3 within the vision clearance triangle. Alternative vision clearance standards are requested as a part of this Consolidated Land Use Application. With the requested alternative vision clearance standards, the criterion can be met.

[…]

805.015. **Alternative standards.**

Alternative vision clearance standards that satisfy the purpose of this chapter, and that are consistent with recognized traffic engineering standards, may be approved where a vision clearance area conforming to the standards of this chapter cannot be provided because of the physical characteristics of the property or street, including, but not limited to, grade embankments, walls, buildings, structures, or irregular lot shape, or where the property has historic neighborhood characteristics, including, but not limited to, established plantings or mature trees, or buildings or structures constructed before 1950. Alternative vision clearance standards shall be approved through a Class 2 Adjustment under SRC chapter 250.

Response: The Market Street Entrance and Belmont Alley driveway cannot meet the vision clearance standards of this section; therefore, alternative vision clearance standards are being requested through a Class 2 Adjustment, which is included in this Consolidated Land Use Application. A small portion of Buildings 1, 2, and 3 encroach into the vision clearance triangles for the Market Street Entrance and Belmont Alley, as shown on the revised Preliminary Site Plan in Attachment F. An alternative vision clearance area consistent with recognized traffic engineering standards is provided. The TIA in Attachment L provides justification for the alternative vision clearance standard and demonstrates that it meets acceptable sight distance requirements. This standard is met.

Chapter 806 Off Street Parking, Loading, and Driveways

[…]

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.**

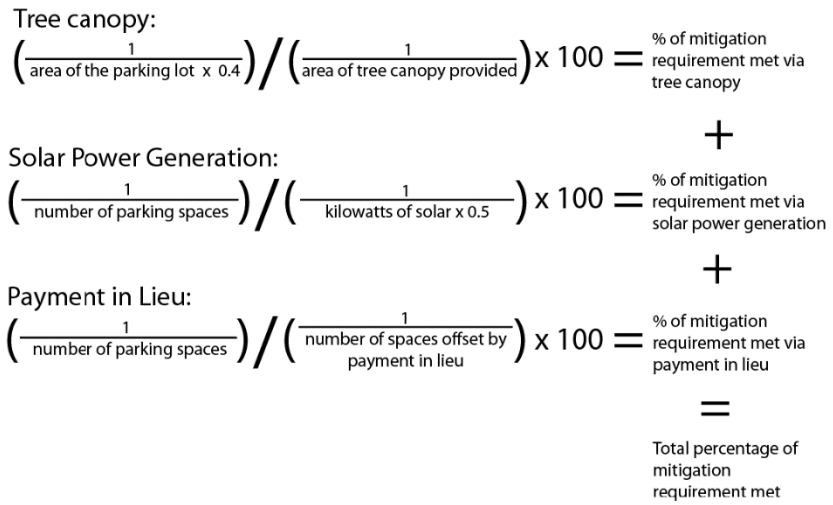
[…]

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

(1) **Climate mitigation. Except for development that includes a public building as defined in OAR 330-135-0200 that must otherwise comply with Chapter 330, Division 135 of the Oregon Administrative Rules, development that includes a total of more than one-half acre of new off- street surface parking shall provide one or more of the following climate mitigation measures, which may be used in combination. When used in combination, each climate mitigation measure shall be counted as a proportion of the total amount of mitigation required, as shown in Figure 806-11. (Example: A development with one half acre of new off-street surface parking, including 80 parking spaces, may provide solar power generation infrastructure of 20 kilowatts; thereby meeting 50 percent of the total amount of mitigation required. The remainder may be accomplished by providing tree canopy area covering 20 percent of the new**

off-street parking and vehicle use areas; thereby meeting the remaining 50 percent of the total amount of mitigation required.) This requirement cannot be adjusted or varied.

Figure 806-11. Formulas for Calculating Climate Mitigation



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

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

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

(2) Provision of tree canopy. Development that includes a total of more than one-half acre of new off-street surface parking shall provide tree canopy in conformance with one or more of the following:

(A) Trees along driveways. Trees shall be provided along both sides of driveways in conformance with the standards included under subsection (n)(3) of this section; or

(B) Tree canopy coverage. On-site tree canopy area shall be provided, in conformance with the standards included under subsection (n)(3) of

this section, covering at least 30 percent of new off-street surface parking and vehicle use areas in no more than 15 years. For purposes of this calculation, paved areas used for loading, outdoor storage of goods and materials, and solid waste services are not included in the off-street parking and vehicle use area.

(3) Tree canopy standards. To ensure new off-street surface parking totaling more than one-half acre in size meets minimum tree canopy coverage requirements, new trees shall be planted and/or existing trees shall be preserved in conformance with the following standards:

(A) Expected tree canopy area.

(i) Expected on-site tree canopy area shall be based on the standards set forth in Table 806-7.

(ii) New trees that are planted shall be selected from Table 806-7. When a tree proposed to be planted is not identified in Table 806-7, the tree may be approved by the Planning Administrator if it is a native, drought resistant, species that will provide tree canopy area commensurate with either large or small trees as specified in Table 806-7.

(iii) Existing trees that are preserved may be included in expected tree canopy area, regardless of species, so long as they conform to the other standards of this subsection. Mature trees 15 years of age or older may be counted with their existing canopy area at the time of application. Immature trees shall be categorized as either small or large trees based on how their species is identified in Table 806-7. Immature trees of a species not listed in Table 806-7 shall be categorized by the Planning Administrator as either small or large based on the average spread of the species at maturity.

(iv) Each tree meeting the requirements of this subsection may be counted toward the total expected tree canopy area so long as the trunk of each tree is located within 10 feet of the parking area.

(v) Exclusions to expected tree canopy area. The following portions of tree canopy shall not be counted as part of the expected tree canopy area:

(aa) Where trees are planted in such proximity that their expected tree canopy area at 15 years will overlap by more than five linear feet, portions of the expected tree canopy area exceeding five feet of overlap shall not count toward the expected tree canopy coverage area.

(bb) Portions of expected tree canopy that overlap with any portion of an existing or proposed building shall not be counted for the purposes of meeting tree canopy requirements.

(B) Tree planting standards. Trees provided to meet tree canopy coverage requirements shall be:

(i) Planted in such proximity that they form a continuous canopy within 15 years of planting based on the expected tree canopy area of the trees set forth in Table 806-7, except where interrupted by vehicle use areas, solid waste service

areas, buildings, power lines, stormwater infrastructure, and children's play areas;

(ii) Planted in planting islands containing a minimum of three trees per planting island and the minimum required soil amount per tree type specified in Table 806-7;

(iii) Planted to ensure that no more than 20 percent of their expected canopy overlaps with existing or proposed buildings;

(iv) Not less than 1.5 inch caliper in size at the time of planting; and

(v) Planted and maintained to meet, at minimum, the standards in the 2021 ANSI A300 handbook.

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

Table 806-7. Tree Planting Standards for Calculation of On-Site Tree Canopy

Tree Type	Tree Species	Expected 15-Year Tree Canopy Diameter	Soil Requirements	
			Minimum Soil Volume	Minimum Soil Depth
Small Trees	American hornbeam American yellowwood Bald cypress Black gum Bloodgood Japanese maple Cascara Chinese pistache Dura heat river birch Eastern redbud European hornbeam Frontier elm Golden rain tree Natchez crape myrtle Oregon white oak Parrotia, Persian ironwood Silver linden Silverleaf oak Yoshino cherry	35 ft.	1,000 cubic feet	2 ft.

Table 806-7. Tree Planting Standards for Calculation of On-Site Tree Canopy				
Tree Type	Tree Species	Expected 15-Year Tree Canopy Diameter	Soil Requirements	
			Minimum Soil Volume	Minimum Soil Depth
Large Trees	Accolade elm Chinese elm Hackberry Holly oak Honey locust London plane tree Ponderosa pine Red oak Scarlet oak Swamp white oak Willow oak Zelkova	50 ft	1,500 cubic feet	2 ft.

Response: The new off-street parking and vehicle use areas total ±28,050 square feet (±0.64 acres); therefore, conformance with the additional standards in this subsection is required. Applicant will meet the mitigation requirements through increased tree canopy coverage, as shown on sheet L104 of the revised Preliminary Landscape Plans in Attachment H. Per subsection (n)(1)(C) above, increased tree canopy coverage is required over at least 40 percent of new off-street parking and vehicle use areas which would equal ±11,220 square feet (28,050 * 0.4 = 11,220). The provided tree canopy coverage is ±15,339 square feet or 55 percent of the new off-street parking and vehicle use areas (15,339 / 28,050 = 0.55). This standard is met.