

June 3, 2024

Bryce Bishop, Senior Planner
City of Salem Community Development Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301



RE: 1105 Front Street NE – The Cannery (Reference No. 24-106451-PLN) Completeness Response

Mr. Bishop,

Please accept this letter and the accompanying materials as Applicant's response to the City's April 20, 2024, determination that application 24-106451-PLN was incomplete as originally submitted (Attachment A) and April 22, 2024, Supplemental Item letter (Attachment B). We believe the materials provided here fully respond to the items outlined in the City's letter and establish the necessary basis to deem the application complete. We look forward to continuing to work with City staff on any issues, as necessary, during the review and approval process.

Our responses to the incompleteness items are as follows:

Completeness Items

1. **Application Form.** SRC 300.210(a)(1)(G) requires land use applications to be signed by the applicant, owner of the property, and/or the duly authorized representative. The land use application form submitted is signed by Trent Michels. Per SRC 300.210(a)(1)(G), land use applications are required to be signed by the applicant and owner, or an authorized representative thereof.

Because the subject properties are owned by Front Street Properties LLC and Truitt Properties LLC, authorized representatives of these two companies are also required to sign the application form authorizing its submittal.

Response: The application form, signed by the authorized representatives of Front Street Properties, LLC, and Truitt Properties, LLC, is included as Attachment C. This item is complete.

2. **Application Fee.**
Site Plan Review Fee: In review of the application fee paid for the Site Plan Review component of the application, it appears that the "Type of Plan Check" selected during the folder creation process was Multi-Family. However, because the proposal is for a mixed-use development, the Multi-Family plan check is incorrect and the applicable Site Plan Review application fees were incorrectly billed. The correct total Site Plan Review fee should be \$93,484.00. The site plan review fee that was paid (\$68,148.00) was for a multi-family project and is therefore less than the full required amount. An additional application fee of \$25,336.00 is therefore required for the site plan review application.

Response: The difference in the site plan review fee will be paid once loaded into the City's Permit Application Center (PAC) Portal folder for this application. This item will be completed.

Class 2 Adjustment Fee: Based on review of the application materials submitted for the application a Class 2 Adjustment was requested in order to approve an alternative street standard for the

planned design of Front Street NE. A Class 2 Adjustment is not required, however, for alternative street standards. As such, there is one less Class 2 Adjustment required with the application and the Class 2 Adjustment component of the application was overpaid by \$250.00.

Response: Additional Class 1 and Class 2 Adjustments are requested as a part of this completeness response. The overpayment on the Class 2 Adjustment component can be applied to the additional Class 1 and Class 2 Adjustments requested. Applicant will pay the additional fees once loaded into the PAC Portal folder for this application. This item will be completed.

3. **Recorded Deed.** *SRC 300.210(a)(2) requires copies of the recorded deeds, with legal descriptions, to be submitted for the properties included in a land use application. A title report has been provided, but copies of the current recorded deeds for the properties have not yet been submitted.*

Response: Copies of the recorded deeds are included as Attachment D. This item is complete.

4. **Proof of Signature Authority.** *The subject properties are owned by Front Street Properties LLC and Truitt Properties LLC. The application form is required to be signed by the authorized representatives of both companies and proof of signature authority is required for whomever signs the application demonstrating they have signature authority to sign the application on behalf of the companies.*

Response: Proof of signing authority for the authorized representatives of Front Street Properties, LLC, And Truitt Properties, LLC, is provided in Attachment E. This item is complete.

5. **List of LLC Members.** *SRC 300.210(a)(3) requires the submittal of any information that would give rise to an actual or potential conflict of interest under state or local ethics laws for any member of a Review Authority that will or could make a decision on the application.*

In order to implement this submittal requirement applicants are required to submit a list of the names of all of the members of the company, LLC, or organization that is involved with a land use application request as either an owner or applicant. This allows the members of any potential Review Authority at the City who may end up reviewing the application to be able to identify whether any potential conflict of interest exists with the applicant and/or property owner.

Because the subject properties are owned by Front Street Properties LLC and Truitt Properties LLC, a list of all of the members of these companies is needed.

Response: A list of all the members of Front Street Properties, LLC, and Truitt Properties, LLC, is provided in Attachment E. This item is complete.

6. **Tree Preservation & Removal Plan.** *The Tree Preservation and Removal Plan needs to be revised to address the following:*

Riparian Corridor Boundaries: The subject property is located adjacent to both the Willamette River and Mill Creek. The Tree Preservation and Removal Plan needs to be revised to show the 75-foot-wide riparian corridor of the Willamette River and the 50-foot-wide riparian corridor of Mill

Creek in order to determine which trees and native vegetation on the site are within a riparian corridor boundary and therefore protected under SRC 808.020.

Response: The 75-foot-wide riparian corridor of the Willamette River and the 50-foot-wide riparian corridor of Mill Creek have been added to the Tree Preservation and Removal Plan in the revised Preliminary Land Use Plans provided as Attachment F. This item is complete.

Riparian Corridor Vegetation: Per SRC 808.020, both trees and native vegetation are protected within riparian corridors. The Tree Preservation and Removal Plan appears to inventory trees with a dbh of 10 inches or greater. The application materials provided do not, however, identify whether an inventory of existing native vegetation was conducted. Confirmation is needed whether there is any existing native vegetation located within the riparian corridors of either the Willamette River or Mill Creek present on the property and, if so, whether the native vegetation is proposed to be preserved or removed. Within riparian corridors, native vegetation includes trees less than 10 inches dbh.

Response: On May 30, 2024, an inventory of native vegetation near the planned improvements was conducted by the Applicant's natural resources consultant. The inventory identified California laurel and rhododendron shrubs behind Building 5, and maple trees and saplings two to three feet west of the current developed area designated for the Willamette Greenway path at the project's north end.

The native vegetation behind Building 5 conflicts with the Willamette Greenway path and will likely require removal for path construction and associated grading, as permitted by SRC 808.030(a)(2)(G). Any shrubs outside the conflict area will be preserved. Similarly, the maple trees and saplings along the Willamette Greenway path at the project's north end will be preserved.

This item is complete.

Tree Removal Permit Exemption: SRC 808.030(a)(2)(G) exempts the removal of trees and native vegetation within a riparian corridor from the requirement to obtain a tree removal permit when the removal of the tree or native vegetation is necessary for public trail or public park development and maintenance. It doesn't appear, however, that all of the trees identified for removal need to be removed to accommodate the construction of the Willamette Greenway path. See tree removal comments included with arborist's report identifying those trees which appear as though they can be preserved based on their assessed health and the minimal amount of disturbance to their critical root zones.

Response: The Applicant's Certified Arborist revisited the site to determine which trees identified for removal need to be removed to accommodate the construction of the Willamette Greenway path and which ones can be preserved if the additional elements to enhance the Willamette Greenway path are modified in those areas. The Tree Preservation and Removal Plan in Attachment F and the Preliminary Landscape Plans in Attachment H have been revised to reflect the preservation of these trees that the Willamette Greenway path itself does not necessitate removing. This item is complete.

Trees & Vegetation on Proposed Lots 5 & 6: The Tree Preservation and Removal Plan does not include proposed Lots 5 and 6 of the subdivision. If any required improvements associated with

the approval of the subdivision (such as utility lines, bike paths, etc..) will be required to cross through Lots 5 and 6 and such improvements will result in the need to remove existing trees and vegetation on that portion of the site, the Tree Preservation and Removal Plan will need to be revised to show the riparian corridor boundary of the Willamette River and existing trees and native vegetation on Lots 5 & 6 that that will be proposed for removal.

Response: No improvements to Lots 5 and 6 are planned in areas that would result in the need to remove existing trees and vegetation. As detailed in the written narrative in the original submittal, Lots 5 and 6 are planned to be permitted separately at a later date. The improvements on these lots will consist of only stubbing utilities during the construction of Front Street NE. This completeness item is not applicable.

7. ***Approved Subdivision Name.*** For subdivision applications, SRC 205.030(j)(3) requires submittal of a name for the subdivision that's been approved by the County Surveyor. The Marion County Subdivision/Condominium Name Request Form that's required to be completed and submitted with the subdivision application can be found on the Marion County Surveyor's Office website at the following location:

<https://www.co.marion.or.us/PW/Survey/Documents/subcondonamerequest.pdf>.

Response: The Marion County Subdivision/Condominium Name Request Form was submitted to the County Surveyor for approval. The submitted form is provided in Attachment I. This item is complete.

8. ***New CFEC Standards for Large Parking Lots.*** The total size of the new surface parking lot area included with the development is more than one-half acre in size. Therefore, the additional new large parking lot landscaping standards adopted in response to the State's Climate Friendly & Equitable Communities (CFEC) administrative rules apply. The additional parking lot standards are included under SRC 806.035(n).

Response: Responses to the additional parking lot standards included under SRC 806.035(n) are provided in Attachment J. Revised Preliminary Landscape Plans showing conformance are provided in Attachment H. This item is complete.

9. ***Additional Comments on Plans.***

Tentative Plat

Response: The Willamette Greenway Compatibility Review Boundary has been added to the Tentative Plat in the revised Preliminary Land Use Plans in Attachment F. Applicant's surveyor coordinated with the County assessor to confirm that the reserve strip mentioned is incorrectly mapped on the tax map, and Applicant's plat is correct (Attachment G). This item is complete.

Preliminary Tree Preservation and Removal Plan & Tree Table

Response: As detailed above, the 75-foot-wide riparian corridor of the Willamette River and the 50-foot-wide riparian corridor of Mill Creek have been added to the Tree Preservation and Removal Plan in the revised Preliminary Land Use Plans provided in Attachment F. Additionally, Applicant's Certified Arborist revisited the site to determine which trees

identified for removal need to be removed to accommodate the construction of the Willamette Greenway path and which ones can be preserved if the additional elements to enhance the Willamette Greenway path are modified in those areas. The Tree Preservation and Removal Plan and Preliminary Tree Table have been revised to reflect the preservation of these trees that the Willamette Greenway path itself does not necessitate removing. A letter from Applicant's arborist is included in Attachment Q. These items are complete.

Preliminary Site Plan

Willamette Greenway Compatibility Review Boundary

Response: Staff requested that the Willamette Greenway Compatibility Review Boundary be added to the Preliminary Site Plan. The boundary has been added to the revised Preliminary Site Plan provided in Attachment F. This item is complete.

Planned Subdivision Lot Lines

Response: Staff requested that the new subdivision lot lines are difficult to distinguish. The planned subdivision lot lines have been revised to be easily distinguishable on the revised Preliminary Site Plan provided in Attachment F. This item is complete.

Unit Count

Response: Staff requested that the total number of dwelling units be confirmed. The unit count has been confirmed as 371 and is noted on the revised Preliminary Site Plan provided in Attachment F and the revised Preliminary Building Elevations and Floor Plans in Attachment K. This item is complete.

Belmont Alley

Response: Staff clarified that Belmont Alley is not an alley, but rather a one-way driveway. The standards for a one-way driveway have been applied to Belmont Alley rather than alley standards including vehicle use area setback and vision clearance triangles. This item is complete.

Loading Zone

Response: The loading space along Belmont Alley has been revised to be outside of the required five-foot setback and, as noted on the Preliminary Site Plan (Exhibit A of the original application submittal and Attachment F of this completeness response), the loading spaces will be scheduled and coned off by the site operator when necessary. The location of the spaces each meet all standards in SRC 806.080; however, it is understood that Staff believe that SRC 806.080(d) is not met as the loading spaces extend into the driveways. With the loading spaces managed by the site operator, the safe operation of a delivery vehicle and other site users will be achieved. Furthermore, this interpretation of SRC 806.080(d) is not practicable for, and does not anticipate the unique conditions of high-density infill development such as The Cannery. This item is complete.

Trash Collection Vehicle Operation Area – Belmont Alley

Response: Staff indicated that Belmont Alley is only 13 feet in width and will not meet the minimum required 15-foot width for a trash collection vehicle operation area (SRC 800.055(f)(1)(A)). As detailed in the written narrative of the original application, Applicant has consulted with Republic Services on the planned design for solid waste service on the site, including the trash collection vehicle operation area along Belmont Alley, and Republic Services has consented to the planned approach (see Exhibit M of the original application submittal). Belmont Alley is planned with mountable curbs as shown in the Belmont Alley cross section on Sheet P11 of the original Preliminary Land Use plans (see Exhibit A of the original application submittal) and the revised Preliminary Land Use Plans in Attachment F. Mountable curbs widen the usable area for trash collection vehicle operation to greater than 15 feet in width therefore meeting the applicable standard. This item is complete.

Parking Garage Setback

Response: Staff indicated that a 5-foot landscape setback is required for the portion of the parking garages in Building 1, Building 2, and Building 3 that abut the interior property lines along the site's driveways. A Class 2 Adjustment to the parking garage setback standard in SRC 806.035(c)(5) is included with this completeness response to decrease the setback to 0-feet. Refer to the adjustment criteria responses in Attachment J for more detail. With the requested adjustment, this item is complete.

5-foot Setbacks

Response: Staff indicated that a 5-foot landscape setback is required for all vehicle use areas abutting interior property lines (SRC 806.035(c)(3)). Staff clarified that this setback cannot be fulfilled by a pedestrian walkway, unlike vehicle use areas abutting buildings within the site. The interior western property lines for planned Lot 4 were adjusted to meet this standard as shown on the revised Preliminary Site Plan in Attachment F. A Class 2 Adjustment to the 5-foot setback standard along the north and south interior property lines of planned Lot 4 is included with this completeness response. Refer to the adjustment criteria responses in Attachment J for more detail. With the requested adjustment, this item is complete.

Parking Stall Overhang

Response: Staff identified that the overhang of the vehicle parking stalls planned near Building 6 (the Market) would interfere with the trees planned along the front of the stalls. To address this, the vehicle parking stalls were adjusted to compact parking stalls with wheel barriers. This item is complete.

Parking Garage Entrances and Turnaround

Response: Staff indicated that the parking garage entrances for Buildings 1, 2, and 3 are required to be increased to 22 feet for two-way driveways (SRC Table 806-8). All parking garage entrances have been enlarged to meet this dimensional requirement. Please note that the parking garage entrances for Buildings 1 and 2 are intended for one-way traffic as noted on the revised Preliminary Site Plan provided in Attachment F and the revised

Preliminary Building Elevations and Floor Plans in Attachment K. Nevertheless, all entrances are now 22 feet in width.

Staff also indicated that a turnaround area is required at the dead-end of the parking lot drive aisle in Building 3 per SRC 806.035(f)(2). A turnaround area meeting the dimensional requirements is shown on the revised Preliminary Site Plan provided in Attachment F and the revised Preliminary Building Elevations and Floor Plans in Attachment K.

These items are complete.

Landscape Land Use Diagram

Response: Staff noted that the new surface parking lot areas are greater than one-half acre in size; therefore, the State’s Climate Friendly and Equitable Communities (CFEC) administrative rules, specified in SRC 806.035(n), apply. These additional landscape standards are responded to in the responses to additional SRC standards in Attachment J and noted on the revised Preliminary Landscape Plans in Attachment H. This item is complete.

Preliminary Building Elevations and Floor Plans

Ground Floor Building Height

Response: Staff noted that per SRC Table 536-6, the ground floor building height is measured from the floor to the ceiling. The ground floor building height from floor to ceiling for Buildings 1, 2, and 3 has been added to the elevations in the revised Preliminary Building Elevations and Floor Plans in Attachment K. The planned ground floor height is 12-feet which exceeds the required minimum ground floor height of 10-feet. This item is complete.

Parking Garage Entrances, Drive Aisles, and Turnaround

Response: Responses to Staff’s comments regarding the parking garage entrances and turnaround area are addressed in the responses to the Preliminary Site Plan comments above. Staff also indicated that the minimum parking lot drive-aisle is 24 feet. The drive aisles have been increased to meet this dimensional standard as shown on the revised Preliminary Site Plan provided in Attachment F and the revised Preliminary Building Elevations and Floor Plans in Attachment K. These items are complete.

Bicycle Parking

Response: Staff provided multiple comments on the various bicycle parking locations. These comments included a request for more detailed drawings to ensure the locations meet all standards, such as access dimensions and locational requirements.

The bicycle parking plan for Buildings 1, 2, and 3 has been modified to have all long-term bicycle parking located in the automated system in the parking garage. The automated parking system will include automated bicycle parking platforms to be accessed from a lockable/access restricted parking bay. The bicycle parking platforms meet all dimensional standards as shown on the enlarged bike plan included in the revised Preliminary Building Elevations and Floor Plans in Attachment K. Additional detail has been added to the short-term bicycle parking spaces outside Buildings 1, 2, and 3.

The bicycle parking for the Food Hall has been revised to include short-term bicycle parking spaces within a convenient distance of, clearly visible from, and no more than 50 feet from the primary building entrances. Due to the mix of uses within the building, including the food hall and various retail spaces, the bicycle parking spaces have been divided to be within close proximity to the multiple primary entrances for the different uses as shown on the revised Preliminary Building Elevations and Floor Plans in Attachment K.

Bicycle parking for the Market has been revised to be located within a convenient distance of, clearly visible from, and no more than 50 feet from the primary building entrance as shown on the revised Preliminary Building Elevations and Floor Plans in Attachment K.

These items are complete.

Property Lines

Response: Staff requested that property lines be shown on all floor plans. Property lines have been added to all floor plan sheets as shown in the revised Preliminary Building Elevations and Floor Plans in Attachment K. This item is complete.

Building Height

Response: Staff noted that the Market building height does not meet the minimum building height of 20-feet in the Mixed-Use Riverfront (MU-R) zone (as measured per SRC 112.035(c)(2)). The height of the Market has been adjusted to meet the minimum building height standard as shown in the revised Preliminary Building Elevations and Floor Plans in Attachment K. This item is complete.

Development Services Comments

1. ***Traffic Impact Analysis.*** Pursuant to SRC 220.005(e)(2)(I) and 803.015(b)(1), a Traffic Impact Analysis (TIA) is required. The applicant's traffic engineer is advised to contact Tony Martin, Assistant City Traffic Engineer, at 503-588-6211 or tmartin@cityofsalem.net to discuss the scope needed and if there are any questions about the TIA requirements.

Response: A Traffic Impact Analysis (TIA) is included as Attachment L. This item is complete.

2. ***Class 2 Driveway Approach Permit.*** The applicant applied for three (3) Class 2 Driveway Approach Permits; however, one additional may be required. There is a driveway on the plans that extends towards Shipping Street NE. It is unclear if this will be constructed as part of this development or in the future. If constructed with this development, the proposed driveway approach will be subject to the Class 2 Driveway Approach requirements described in SRC 804.025. The applicant shall submit the applicable application and fee.

Response: The driveway that was shown as extending into planned Lots 5 and 6 towards Shipping Street NE has been revised to be stubbed at the end of planned Lot 4. A future phase(s) of development on Lot 5 and Lot 6 will include the necessary driveway approach permits. An additional Driveway Approach Permit is not required at this time. This item is not applicable.

3. ***Stormwater Management.*** *The application does not provide sufficient details to identify how the site is compliant with SRC 71, it does not appear based on the information provided that adequate area has been provided for GSI pursuant to Public Works Design Standards (PWDS) Appendix 4E. Comments on the stormwater report will be provided to the applicant's engineer. The applicant should indicate if stormwater management for lots 5 and 6 will be deferred until development on those lots.*

Response: The stormwater basin map has been updated to indicate how existing pier buildings are currently draining and how they will continue to drain. Additionally, the map has been updated for planned Lots 5 and 6 to demonstrate compliance with Design Standards by setting aside 10 percent of the developable area of Lots 5 and 6. A stormwater report will be included with submittal for the future development phase(s) when such improvements are known, to further demonstrate compliance with applicable standards. Additional responses to City comments on the stormwater report from Applicant's engineer are included in Attachment M. This item is complete.

4. ***Street Trees Required.*** *Existing and proposed street trees shall be shown on the applicants site plan per SRC 220.005(e)(1)(A)(ix).*

Response: All existing street trees are identified on the Existing Conditions Plan in Attachment F. One street tree is located just south of the site along Front Street NE and is not planned for removal at this time. Proposed street trees are identified on the Preliminary Landscape Plans in Attachment H and the revised Preliminary Land Use Plans in Attachment F. Please note that the final design of Front Street NE is still being coordinated between the Applicant, the City, and affected rail stakeholders and the ultimate design for Front Street NE may change. Therefore, the street tree locations are preliminary and subject to change. This item is complete.

5. ***Tentative Subdivision Plan.*** *The tentative plan does not include all required items listed under SRC 205.030(a).*

- *The Shipping Street right-of-way is not shown on the tentative plat. Required cul-de-sac right-of-way is not shown on the plan (see below comments).*

Response: An alternative design for the requested Shipping Street cul-de-sac right-of-way is included in Attachment R. This alternative design has been provided to City Staff for review. Applicant requests that the final design and right-of-way dedication of the Shipping Street cul-de-sac be a condition of approval to be finalized when Phase 2 improvements are known.

6. ***Utility Plan (Subdivision).*** *The application shall include a preliminary utility plan demonstrating how proposed lots 5 and 6 will be served pursuant to SRC 205.030(f).*

Response: The revised Preliminary Land Use Plans in Attachment F include a Conceptual Lot 5 and 6 Utility Plan demonstrating how planned Lots 5 and 6 can be served. This item is complete.

7. **Title Report.** *Submit a current title report for the subject property for review by the Survey Section pursuant to SRC 205.030(b). A title report dated 30-days from time of application is required.*

Note: A revised title report was submitted on 04/19, so this item may be resolved unless issues arise upon review of the revised report.

Response: Applicant will submit a current title report if the City indicates that the title report submitted on April 19, 2024, has issues that need to be resolved. The submitted title report is also included as Attachment N. This item is complete.

8. **Deed History.** *Survey is not able to determine lot legality at this time. The hyper-links in the 'Survey Memo' are expired; therefore Survey is unable to review the deed history.*

Response: Applicant provided an updated deed history and the title report with hyperlinks on April 30, 2024. This deed history is also provided as Attachment O. This item is complete.

Items of Concern

1. **Street Tree Removal.** *The applicant's plans show removal of City-owned trees. The applicant is advised that a street tree removal application is required for the trees proposed for removal prior to issuance of Public Construction or Building Permits. The applicant may contact Zach Diehl in Development Services with any questions regarding the street tree removal process at 503-588-6211 ext.7435, or via email at Zdiehl@cityofsalem.net.*

Response: Applicant understands that any street tree removal will require a street tree removal application approval prior to issuance of Public Construction or Building Permits. No street trees are planned for removal at this time, as shown on the Preliminary Tree Preservation and Removal Plan in Attachment F. This item will be completed, as necessary. A final tree removal application cannot be completed until the Front Street NE ultimate section is established with the City, ODOT Rail, PNWR, and BNSF.

2. **Floodplain Development Comments.**

LOMR – Staff understands a LOMR is pending for the floodway portion of the property. The applicant should provide the LOMR upon approval from FEMA.

Response: Applicant provided City Staff with the LOMR-FW approval from FEMA (Attachment S) This item is complete.

Substantial Improvements – It appears the applicant is proposing to construct two new buildings on existing pier systems. The applicants plans should indicate the finished floor elevation of the existing pier systems. The proposal appears to constitute a Substantial Improvement per SRC Chapter 601.

Response: The Preliminary Onsite Grading and Drainage Plan included in the original application identifies the finished floor elevations of each building including the two noted buildings on existing pier systems (see Exhibit A of the original application submittal). The finished floor elevation of Building 4 is 144.20 feet, and the finished floor elevation of Building 6 is 145.00 feet. The base flood elevation, as noted on the Existing Conditions Plan is 141.10

feet. Therefore, these buildings on the existing pier systems are not below the floodplain elevation. This item is complete.

3. ***TSP/Parks Path Alignment.*** *The Willamette River Greenway Path, an off-street shared use path, is identified on the subject property. The applicant's plans do not demonstrate how the path provides connectivity to Front Street along the Southern property Boundary or to Shipping Street along the northern property boundary.*

The plan for the path should be shown throughout the entire subdivision boundary to ensure that alternative connectivity requirements are met. Additionally, a 15-foot-wide easement and 10-foot-wide minimum constructed path is required.

If the path is not completed throughout the entire subdivision with completion of the first phase of development, the applicant will need to provide a temporary connectivity plan.

Response: The Willamette River Greenway path will not be completed through Lots 5 and 6 at this time. A 15-foot easement for the Willamette River Greenway Path is noted on the revised Preliminary Land Use Plans in Attachment F and Preliminary Landscape Plans in Attachment H for Lots 1 through 4. Additionally, the revised Preliminary Land Use / Landscape Plans identify the temporary connectivity plan to Front Street NE. As requested by City staff, these temporary access routes will be provided within temporary access easements which will not be included on the final plat. These items are complete.

4. ***Existing Easements for Public Utilities.*** *There are existing easements on the subject property for public infrastructure. The applicant is advised that no new structures are permitted within existing/proposed easements. Conditions of approval will require dedication of new easements to meet current Public Works Design Standards (PWDS) for minimum easements widths pursuant to SRC 802.020. The applicants revised utility plan should indicate which mains will remain in easements and which shall be abandoned/relocated.*

Response: The Preliminary Utility Plan within the revised Preliminary Land Use Plans in Attachment F has been revised as requested above. Additionally, the Tentative Plan in Exhibit A of the original submittal, and Attachment F of this completeness response identify which easements are planned to be quitclaimed/vacated. Please confirm if there are any identified issues that the City has with the proposed parking infrastructure, landscaping, etc. planned within the easement areas. This item is complete.

5. ***Common Private Sewer.*** *SRC 802.040 allows private common sewer systems if the criteria of this section are met. The applicant is advised that a common private sewer may be an option for the development rather than multiple individual service lines.*

Response: Applicant will provide a common private sewer rather than multiple individual service lines. See the revised utility plan in Attachment F. This item is complete.

6. ***Alternative Street Standard.*** *The applicant is proposing a street design that does not conform to minor arterial street standards. The application shall include findings for alternative street standards pursuant to SRC 803.065(a) or be revised to comply with the standards. Please note that an Alternative Street Request is included under the applicant's requests for adjustments; however,*

the application should include an analysis of SRC 803.065 as justification for Alternative Street Standards.

Staff notes the following alternatives:

- *Block spacing – Front Street NE exceeds the 600-foot block spacing standard.*
 - *Staff supports this request with a with 10-foot shared path consistently throughout the site that provides connectivity, discussed above.*
- *30-foot half width ROW where 36 is required along the southern portion of front street.*
 - *Staff supports this request if consistent with the ultimate design of Front Street NE.*
- *Front Street NE Design does not conform to minor arterial standards.*
 - *Staff acknowledges that an alternative is required for the design of Front Street; however, additional discussions are needed in order to specify a cross section in the subdivision decision. A meeting will be scheduled with the City Engineer for discussion of Front Street NE.*

Response: Applicant included findings for alternative street standards pursuant to SRC 803.065(a) in the written narrative of the original submittal. Additional clarification on the three alternatives listed above is included in the responses to additional SRC standards in Attachment J. This item is complete.

7. **Boundary Street Improvements.** *The applicant should be aware that Shipping Street NE is considered a “Boundary Street” for the subdivision and will require improvements. These improvements could be deferred until Site Plan Review for Lot 6. Right-of-way dedication will be required to be shown on the tentative plan.*

Streets shall terminate as a cul-de-sac, as such, the applicant will be required to dedicate a half-width cul-de-sac at the terminus of Shipping Street NE and construct a half street improvement along the frontage and within the cul-de-sac.

Response: An alternative design for the requested Shipping Street cul-de-sac right-of-way is included in Attachment R. This alternative design has been provided to City Staff for review. Applicant requests that the final design and right-of-way dedication of the Shipping Street cul-de-sac be a condition of approval to be finalized when Phase 2 improvements are known.

8. **Adjustment for Driveway Width.** *The applicant has requested an adjustment to maximum driveway width for the Gaines Street Entrance, which is planned to be one-way. The applicant is advised that mitigation measures should be included to ensure one-way travel is maintained and that pedestrian conflicts are reduced (stop bar, “NO Entrance signs”, double arrows).*

Response: The Gaines Street Entrance is now noted as a two-way driveway with a width of 24 feet. The minimum driveway width for two-way traffic is 22 feet. Therefore, this driveway now meets the standard in SRC Table 806-8, and the adjustment requested is no longer applicable. The difference in adjustment fees will be determined at the time of this completeness submittal. The \$250 application fee which was paid may be applied to one of the additional adjustments requested. This item is complete.

9. **Vision Clearance.** *The driveway entrances labeled as “Belmont Alley” and “Market Street Entrance” do not meet vision clearance standards established in SRC 805.005. The applicant is advised to revise the plans to meet the vision clearance standards in SRC Chapter 805.005 or submit a request for an adjustment to the vision clearance standard per SRC 805.015, including the analysis required under SRC 805.015.*

Note that the applicant has requested an adjustment for the Market Street Entrance; however, has not included the analysis required under SRC 805.015. It is recommended that the applicant’s Traffic Engineer review and recommend mitigation for the adjustment as part of the required TIA.

Response: An alternative vision clearance standard (Class 2 Adjustment), per SRC 805.005, was requested for the Market Street Entrance. Applicant originally believed Belmont Alley to be classified as an alley, which requires a reduced vision clearance area. Staff have determined that Belmont Alley is a one-way driveway, not an alley, thus necessitating the larger vision clearance area. Therefore, an additional request for an alternative vision clearance standard for Belmont Alley is included in this completeness response. The analysis required under SRC 805.015 is provided in the responses to additional SRC standards in Attachment J and the TIA in Attachment L. With the requested alternative vision clearance standards, this item is complete.

Supplemental Completeness Items

1. **Willamette Greenway Boundary & Compatibility Review Boundary.**

Willamette Greenway Boundary: *The site plan submitted identifies the boundary of the Willamette River Greenway as of September 10, 1979. However, in comparison of the location of the Greenway Boundary identified on the site plan to that of City records it appears the location of the two boundary lines are different. Please see the attached site plan with an indication of the location of the Willamette Greenway Boundary per City data. The location of the Willamette Greenway Boundary on the site plan needs to be revised to show the correct location.*

Response: The Willamette River Greenway Overlay Zone boundary is defined as the line “mapped by the Oregon Department of Transportation (ODOT)”. Applicant 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 pertinent plans within the revised Preliminary Land Use Plans in Attachment F.

Compatibility Review Boundary: *The site plan submitted identifies the Willamette Greenway Boundary, but it does not show the Willamette Greenway Compatibility Review Boundary. The site plan needs to be revised to also show the Compatibility Review Boundary.*

Response: The Willamette Greenway Compatibility Review Boundary, as defined in SRC 600.010(b), has been added to the pertinent plans in the revised Preliminary Land Use Plans in Attachment F. This item is complete.

2. **Willamette Greenway Development Permit.** *Per SRC 600.015(a)(1), a Willamette Greenway Development Permit is required for any intensification, change of use, or development with the Willamette Greenway Overlay Zone unless exempt under SRC 600.015(a)(2). Based on the location of the Willamette Greenway Boundary and the associated Compatibility Review Boundary in relation to the proposed development, it appears the proposal will include new buildings and site improvements within both the Greenway Boundary and the Compatibility Review Boundary. As such, the proposal will require a Class 2 Greenway Development Permit in addition to the Class 3 Site Plan Review, Subdivision, Class 1 & 2 Adjustment, and Class 2 Driveway Approach Permit.*

Response: A Willamette Greenway development permit application for those improvements which are located within the Willamette Greenway Boundary (per City data) is included with this completeness response. Narrative responses to the additional criteria and standards are included in Attachment J. This item is complete.

Please note that the Compatibility Review Boundary does not determine whether a project must apply for a Willamette Greenway Development Permit. Per SRC 600.015(a)(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." The definition of Willamette Greenway Overlay Zone, per SRC 600.010(a) is, "The boundary of the Willamette Greenway Overlay Zone shall be the Willamette Greenway Boundary, as mapped by the Oregon Department of Transportation." This definition does not include the Compatibility Review Boundary.

3. **Willamette Greenway Riparian Buffer.** *The site plan shows the location of the Willamette Greenway Riparian Buffer and the written statement provided with the application indicates that the boundary was determined using Method 2. In order to verify that the location/width of the identified riparian buffer meets the requirements of SRC 600.025(c)(2), a version of the plan is needed showing where the required bank slope measurements were made and the resulting corresponding bank slope measurements.*

Response: A Willamette River Riparian Buffer Map identifying the requested information above is provided as Attachment P. This item is complete.

4. **Willamette Greenway Landscaping Standards.** *Shrubs: The written statement provided by the applicant indicates that 556 new shrubs are planned to be provided within the Willamette Greenway Boundary. In review of the plant list included in the landscape plan it appears that some of the plants listed may be considered ground cover rather than shrubs. In order to verify conformance with the shrub planting requirement of SRC 600.025(b)(3)(B), the plant list provided needs to distinguish between plants that are ground cover and those which are shrubs. A shrub is defined under SRC Chapter 807 (Landscaping) as, "...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."*

Response: The plant schedule, included in the revised Preliminary Landscape Plans in Attachment H, has been revised to distinguish between plants that are ground cover and those which are shrubs. This item is complete.

5. **Screening of Parking & Loading Areas.** SRC 600.025(f) requires parking and loading areas to be screened from the Willamette River and adjacent properties by a sight-obscuring berm or a sight-obscuring hedge that is a minimum of 6 feet in height at maturity.

The written statement provided from the applicant indicates that all parking areas are internal to the site or within parking garages and therefore screened from the Willamette River and adjacent properties. Staff concurs that the spaces within the parking garage are enclosed and therefore obscured from view from the river and adjacent properties, but the surface parking areas on the site do not meet the standard and are required to be screened.

Response: Minimal parking is provided within the Willamette Greenway Boundary (per City data). Those parking areas that are within or abut the boundary are screened from the Willamette River and adjacent properties with a sight obscuring hedge as detailed on the revised Preliminary Landscape Plans in Attachment H. This item is complete.

Thank you for reviewing our application. We believe these additional clarifications and plan revisions completely respond to the items included in your April 20 and 22, 2024, incompleteness letter. Please contact me if you require any additional information.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



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Attachments:

- A. Land Use Application Completeness Review (April 20, 2024)
- B. Land Use Application Completeness Review – Supplemental Items (April 22, 2024)
- C. Application Form
- D. Recorded Deeds
- E. Proof of Signing Authority and List of LLC Members
- F. Revised Preliminary Land Use Plans
- G. County Surveyor Correspondence
- H. Revised Preliminary Landscape Plans
- I. Marion County Subdivision/Condominium Name Request Forms
- J. Responses to Additional SRC Standards
- K. Revised Preliminary Building Elevations and Floor Plans
- L. Traffic Impact Analysis
- M. Engineer Responses
- N. Current Title Report
- O. Deed History
- P. Willamette River Riparian Buffer Map
- Q. Arborist Letter
- R. Shipping Street Improvements
- S. LOMR-FW Approval

