FOR MEETING OF: <u>September 25, 2024</u> Case No.: <u>WGP-SUB-SPR-ADJ-DAP24-01</u>

TO: HEARINGS OFFICER

FROM: LISA ANDERSON-OGILVIE, AICP

DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND

PLANNING ADMINISTRATOR

SUBJECT: CLASS 2 WILLAMETTE GREENWAY PERMIT / SUBDIVISON TENTATIVE

PLAN / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 1 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT CASE NO. WGP-SUB-SPR-ADJ-DAP24-01; 1100 TO 1400 BLOCKS OF FRONT STREET NE

REQUEST

A consolidated application for the proposed redevelopment of the former Truitt Brothers cannery site as a mixed-use neighborhood consisting of three, six-story, mixed-use buildings with a total of 382 dwelling units, ground floor commercial tenant space, second-story outdoor community open space and amenities, and ground floor and basement parking; a proposed food hall building, winery building, and general-purpose market space building; on-site surface parking; and pedestrian access throughout the site and along the Willamette River.

The application includes:

- 1) A Class 2 Willamette Greenway Development Permit and Class 3 Site Plan review for the proposed development;
- 2) A Subdivision Tentative Plan to divide the property into six lots ranging in size from approximately 36,455 square feet to approximately 210,858 square feet;
- 3) A Class 1 Adjustment to:
 - a) Increase the maximum allowed building height of proposed Buildings 1, 2, and 3 from 70 feet to 74 feet (SRC 536.015(d));
 - b) Reduce the minimum required amount of ground floor windows on building facades along the riverfront from 65 percent to approximately 60 percent for Building 1, 56 percent for Building 2, and 52 percent for Building 3 (SRC 536.015(g)); and
 - c) Reduce the driveway spacing between the proposed driveway approaches at the Gaines Street Entrance and the Market Street Entrance to less than the minimum required 370 feet (SRC 804.035(d));
- 4) A Class 2 Adjustment to:
 - a) Eliminate the minimum required 5-foot landscape setback for parking and vehicle use areas abutting interior property lines (SRC 536.015(c));
 - b) Eliminate the minimum required 5-foot landscape setback for parking garages abutting interior property lines (SRC 806.035(c)(5));
 - c) Reduce the minimum required percentage of off-street parking spaces designated for carpool or vanpool parking from 5 percent to 0 percent (SRC 806.015(c));
 - d) Allow two of the proposed off-street loading spaces within the development to be located within a driveway (SRC 806.080);
 - e) Deviate from solid waste receptacle and compactor placement standards by reducing the minimum required separation of trash receptacles and compactors from adjacent

- walls and reduce the minimum required pad area extending from the rear of the receptacles and compactors (SRC 800.055(b)&(c));
- f) Deviate from solid waste service area standards by reducing the minimum required vehicle operation area and turning radius dimensional requirements for the solid waste service area of the proposed Food Hall building (SRC 800.055(f));
- g) Reduce the driveway spacing between the proposed driveway approaches at the Belmont Alley and the Market Street Entrance to less than the minimum required 370 feet (SRC 804.035(d));
- h) Allow an alternative vision clearance area standard, pursuant to SRC 805.015, for the proposed driveway approach at the Market Street Entrance (SRC 805.015); and
- i) Allow an alternative vision clearance area standard, pursuant to SRC 805.015, for the proposed driveway approach at the Belmont Alley (SRC 805.015);
- 5) A Class 2 Driveway Approach Permit for the three proposed driveway approaches serving the development onto Front Street NE; and
- 6) An alternative street standard, pursuant to SRC 803.065, for Front Street NE to allow an increased block length, a reduced half-width right-of-way, an alternative cross section, and elimination of the required Public Utility Easement (PUE).

The subject property totals approximately 13.66 acres in size, is zoned MU-R (Mixed-Use Riverfront) and partially within the Willamette Greenway Overlay Zone, and located in the 1100 to 1400 Blocks of Front Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22AB00300, 073W22AB00600, and 073W22AB00900).

<u>OWNERS:</u> Front Street Properties, LLC (Peter Truitt); Truitt Properties, LLC (Peter Truitt, Lynda Truitt, and Luciana Truitt)

APPLICANT: Trent Michels, The Future of Neighborhood Development, LLC

REPRESENTATIVE: Grace Wolff, AKS Engineering & Forestry, LLC

PROPOSAL

The application under review by the Hearings Officer is a consolidated Class 2 Willamette Greenway Development Permit, Subdivision Tentative Plan, Class 3 Site Plan Review, Class 1 Adjustment, Class 2 Adjustment, and Class 2 Drive Approach Permit for the redevelopment of the former Truitt Brothers cannery site, an approximate 13.66-acre property located in the 100 to 1400 Blocks of Front Street NE (Attachment A).

The proposal includes a subdivision dividing the property into six lots and the development of four of the proposed lots as a mixed-use neighborhood consisting of three, six-story, mixed-use buildings with a total of 382 dwelling units, ground floor commercial tenant space, second-story outdoor community open space and amenities, and ground floor and basement parking; a proposed food hall building, winery building, and general-purpose market space building; on-site surface parking; and pedestrian access throughout the site and along the Willamette River.

Vehicular access to the proposed development will be provided by three proposed driveway

approaches onto Front Street; two of which are proposed to provide two-way vehicle circulation and one of which is proposed to be one-way.

Pedestrian and bicycle access to the development will be provided by the existing network of streets in the surrounding area and the network of pedestrian pathways, including a portion of the Willamette River Greenway path, proposed to be provided throughout the development.

SUMMARY OF RECORD

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) All documents referenced in this report.

All application materials are available on the City's online Permit Application Center at https://permits.cityofsalem.net. You can use the search function without registering and enter the permit number listed here: 24 106451.

APPLICANT'S MATERIALS

Land use applications are required to include a statement addressing the applicable standards and approval criteria of the Salem Revised Code and must be supported by proof they conform to such standards and approval criteria. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to this report as follows:

Site Plans: Attachment B

Landscaping Plans: Attachment C

Building Floor Plans and Elevations: Attachment D

FACTS AND FINDINGS

1. Procedural Findings

On March 15, 2024, the application was submitted by Grace Wolff, of AKS Engineering & Forestry, on behalf of the applicant, Trent Michels, of The Future of Neighborhood Development, LLC.

Because multiple land use applications are required in connection with the proposed development, they have been consolidated and are being processed together as one pursuant to SRC 300.120(c). When multiple applications are consolidated, the review process for the application follows the highest numbered procedure type required for the land use applications involved, and the Review Authority is the highest applicable Review Authority under the highest numbered procedure type. Based on these requirements, the consolidated Class 2 Willamette Greenway Development Permit, Subdivision Tentative Plan, Class 3 Site Plan Review, Class 1 Adjustment, Class 2 Adjustment, and Class 2 Drive Approach Permit is required to be reviewed by the Hearings Officer and processed as a Type III procedure.

After additional requested information was provided by the applicant, the application was deemed complete for processing on September 3, 2024; and notice of the public hearing was subsequently sent, pursuant to SRC requirements, on September 5, 2024, and posted on the property by the applicant on September 12, 2024. The 120-day state mandated local decision deadline for the application is January 1, 2025.

The public hearing on proposal is scheduled for September 25, 2024.

2. Existing Conditions

Site and Vicinity

The property included with this proposal totals approximately 13.66 acres in size and located in the 1100 to 1400 Blocks of Front Street NE.

The subject property abuts Front Street NE, a minor arterial street, on the east and Shipping Street NE, a local street, on the north. The Willamette River abuts the property to the west and the property is located north of Mill Creek and Mouth of Mill Creek Park.

Vehicle, bicycle, and pedestrian access to the property is provided by the existing public street network which serves the subject property and the surrounding area. There is an existing rail line within Front Street that runs within the street along the entire frontage of the property until it diverges from the street to the northeast at the intersection of Norway Street NE.

Salem Area Comprehensive Plan (SACP)

The subject property is located inside the Salem Urban Growth Boundary and the corporate city limits. The property is designated "River-Oriented Mixed-Use" on the Salem Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

Comprehensive Plan Map Designations of Surrounding Properties			
North	River-Oriented Mixed-Use		
	Across Shipping Street NE, River-Oriented Mixed-Use		
South	Parks, Open Space, and Outdoor Recreation; River- Oriented Mixed-Use		
East	Across Front Street NE, River-Oriented Mixed-Use; Mixed-Use		
West	River-Oriented Mixed-Use		
	Across the Willamette River, Parks, Open Space, and Outdoor Recreation		

Relationship to Urban Service Area

The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended. The subject property is located inside the City's Urban Service Area.

Because the subject property is located inside the Urban Service Area, an Urban Growth Preliminary Declaration is not required for the proposed development.

Zoning Map Designation

The subject property is zoned MU-R (Mixed-Use Riverfront) and partially within the Willamette Greenway Overlay Zone. The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties				
North	MU-R (Mixed-Use Riverfront) with Willamette Greenway Overlay Zone			
	Across Shipping Street NE, MU-R (Mixed-Use Riverfront)			
South	PA (Public Amusement) and MU-R (Mixed-Use Riverfront) with Willamette Greenway Overlay Zone			
East	Across Front Street NE, MU-R (Mixed-Use Riverfront)			
West	Across the Willamette River, PA (Public Amusement) with Willamette Greenway Overlay Zone			

City Infrastructure

• Streets: The existing conditions of streets abutting the subject property are described in the following table:

Streets					
Street Name		Right-of-way Width	Improvement Width		
Frank Chrack NF	Standard	72-feet	46-feet		
Front Street NE (Minor Arterial)	Existing Condition	Variable 60-to-98-feet	Variable 40-to70-feet		
Shipping Street NE	Standard:	60-feet	30-feet		
(Local)	Existing Condition:	68-feet	30-feet		

 City Utilities and Parks: The existing conditions of city utilities and parks available to serve the subject property are described in the following table:

Utilities & Parks		
Туре	Existing Conditions	
	Water Service Level: G-0	
Water	16-inch, 10-inch, and 6-inch water mains are located in Front Street NE.	
	An 8-inch water main is located on the subject property in an easement.	
Sanitary Sewer	An 8-inch sanitary sewer main is located in Front Street NE.	
	A 6-inch sanitary sewer main is located in on the subject property in an easement.	
	10-inch and 8-inch storm mains are located in Front Street NE.	
Storm Drainage	A 10-inch storm main is located in Shipping Street NE.	
	A 30-inch and 10-inch storm main is located on the subject property in an easement.	
Parks	The proposed development is served by Grant School Palocated approximately 0.45 miles east of the subject property and Riverfront Park, located approximately 0.41 miles south of the subject property.	

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of both the Grant Neighborhood Association and the Central Area Neighborhood Development Organization (CAN-DO) Neighborhood Association.

Applicant Neighborhood Association Contact:

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On March 14, 2024, the applicant contacted both the Grant Neighborhood Association and the Central Area Neighborhood Development Organization Neighborhood Association by e-mail notifying them in advance of submittal of the application and providing information about the proposal; thereby satisfying the requirements of SRC 300.310.

Neighborhood Association Comments:

Notice of the application was provided to the Grant Neighborhood Association and the Central Area Neighborhood Development Organization Neighborhood Association pursuant

to SRC 300.620(b)(2)(B)(vii), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. Comments were received from the Grant Neighborhood Association on the proposal that are included as **Attachment E**.

In summary, the neighborhood association expresses excitement about the prospect of The Cannery Development, their appreciation of the time and effort it takes to make such a significant investment in their neighborhood, and their desire to be engaged in continued communication with the development team to ensure the project is successful for everyone. The neighborhood association also identified some areas of concern that are of particular interest to them where they feel the proposed design could be enhanced including providing adequate public access to the Willamette River Greenway Path; adequate landscaping between pedestrian paths and parking; lack of tree cover in parking areas; pedestrian amenities along Front Street; street trees along Front Street; and accessible parking dimensions and Fire Department assess. The neighborhood association also indicates they would like to see a stronger pedestrian connection from the neighborhood to the greenway and the Willamette River; additional pedestrian connections across Front Street south of Market Street; and their preference for utilization of durable and long-lasting materials.

Staff Response: The proposed development is located within the MU-R (Mixed-Use Riverfront) zone and is therefore subject to the pedestrian-oriented design standards of the zone included under RC 536.015(g). In regard to additional points of pedestrian access to the site across Front Street south of Market Street. Due to the constrained right-of-way of that portion of Front Street and a lack a sidewalks on the east side of the street, it's currently no possible to have a pedestrian across that section of the section of the street.

Homeowners' Association:

Pursuant to SRC 300.620(b)(2)(B)(vi), notice is required to be provided to any active and duly incorporated Homeowners' Association (HOA) involving property subject to a Type III land use application. According to application materials submitted by the applicant, the subject property is not located within a Homeowners' Association (HOA); therefore, HOA notice is not applicable.

Public Comments:

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.620(b)(2)(B)(ii), (iii), (viii), & (ix), to property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report one public comment was received that is included as **Attachment F**. In summary, the comment expresses a general support for the project but raises a concern about the need to provide ample on-site parking for the development due to the location of the property and a lack of on-street parking that could also potentially be dangerous with the presence of the train.

Staff Response: In regard to off-street parking, the site plan identifies a total of 422 off-street parking spaces on the site. Of the total 422 parking spaces provided, 58 are off-street surface parking spaces located on proposed Lot 4; a total of 73 parking spaces are

located within ground level parking garages within proposed Buildings 1, 2, and 3; and the remaining 291 spaces are located in basement level automated parking garages within Buildings 1, 2, and 3.

4. City Department Comments

- A. The City of Salem Building and Safety Division reviewed the proposal and indicated they have no comments.
- B. The City of Salem Fire Department reviewed the proposal and indicated that items including fire department access and water supply will be evaluated at the time of building permit plan review.
- C. The City of Salem Development Services Division reviewed the proposal and provided comments pertaining to City infrastructure required to serve the property. Comments from the Development Services Division are included as **Attachment G.**

5. Public Agency Comments

A. <u>Salem-Keizer School District</u>: The Salem-Keizer School District reviewed the proposal and provided comments that are included as **Attachment H**. The School District indicates, in summary, that the property is served by Grant Elementary School, Parrish Middle School, and North Salem High School. The School District identifies sufficient existing school capacity at Parrish Middle School to accommodate the projected increase in student enrollment resulting from the proposed development, but Grant Elementary School and North Salem High School will be overcapacity.

The School District indicates the subject property is located within the walk zone of Parrish Middle School and North Salem High School and that students will be eligible for school provided transportation to Grant Elementary School due to a hazardous walk zone.

Because of the hazardous walk zone, the School District indicates that a new school bus stop will need to be created and it is recommended that a safe walk path be developed to allow for a designated school bus stop or school bus pullout location.

Staff Response: Subsequent to receiving the School District's comments staff reached out to their representative to inquire further about the details of their comments and is waiting to hear back.

B. <u>Portland General Electric (PGE)</u>: Portland General Electric reviewed the proposal and provided comments indicting that regarding the request (item #6 of Amanda No. 24-106451-PLN) to eliminate the required public utility easement (PUE), PGE encourages rejecting this request. Elimination of the PUE will not allow enough space for the installation of our equipment to serve the project.

Given the size (power capacity requirement) of the project, PGE will need to install multiple 4-inch and 6-inch conduits as well multiple large concrete splice/switch vaults in

the sidewalk/pedestrian spaces and the proposed parallel parking areas. The vaults will each have rough dimensions of 10' wide by 13' long by 9' tall. However, the current curb/sidewalk/parallel parking layout does not allow space for the installation of this equipment while maintaining the City-required 5' separation from parallel water mains (City of Salem, Dept. of Public Works Administrative Rules Design Standards, paragraph 1.6(a)(2)).

Staff Response: The purpose of the MU-R zone is to promote a mixed-use, pedestrian-oriented district that takes advantage of its proximity to the Willamette River. The zone encourages a mix of uses in multi-story buildings and promotes pedestrian access to the Willamette River. It was developed as part of a four-year Comprehensive Plan update project called *Our Salem*. The zone requires a zero-foot front setback but allows up to 10-feet with pedestrian amenities in order to encourage a walkable, mixed-use environment. The area has also been identified as a Climate Friendly Area in accordance with the State of Oregon requirements for Climate-Friendly and Equitable Communities (CFEC) rules. Providing standard PUEs along the frontage could result in the development not meeting the setback and design standards. The applicant understands that they need to work with PGE and City staff to ensure that the power needs of the development are met.

C. <u>Portland & Western Railroad</u>: The Portland & Western Railroad reviewed the proposal and provided comments that are included as **Attachment I**. The representative of the railroad indicates that they take no exception to the concept plan level of engineering with respect to the Front Street interaction with the railroad. They further explain that the concept plan will need to be developed into final plans with ODOT Rail Exhibits prepared. These will need to be approved by ODOT Rail, BNSF, the City, and PNWR.

Staff Response: The staff report includes two recommends options for the improvement of Front Street NE. Option 1 includes a half-street improvement of Front Street from the Mill Creek bridge northerly to Shipping Street NE. This option would limit access to the site to right-in/right-out only and would include an interim improvement along the west side of the railroad tracks including a raised median along the entire property frontage from the Mill Creek Bridge to Shipping Street; ADA crosswalks at the intersections of Market Street, Gaines Street, and Hood Street with ADA accessible ramps on both sides of Front Street, rapid rectangular flashing beacons at each crossing, appropriate signing, and a fence on top of the raised median to control pedestrian crossing locations.

Option 2 includes a full street improvement on both sides of Front Street from the Mill Creek bridge northerly to South Street NE. This option would allow full movement access to the site and would include a raised median along both sides of the railroad tracks from the Mill Creek Bridge to South Street; railroad crossing arms at the public intersections of Market Street, Gaines Street, Hood Street, and Norway Street; and ADA crosswalks at the intersections of Market Street, Gaines Street, and Hood Street with ADA accessible ramps on both sides of Front Street, rapid rectangular flashing beacons at each crossing, appropriate signing, and a fence on top of the raised medians to control pedestrian crossing locations.

A full description of the improvement options is included in recommend condition of approval 15 of this staff report. Preliminary concept plans for these two street improvement options and included as **Attachments J and K**.

DECISION CRITERIA FINDNGS

6. Analysis of Class 2 Willamette Greenway Development Permit Approval Criteria

Pursuant to SRC 600.015(a)(1), no intensification, change of use, or development within the Willamette Greenway Overlay zone shall occur unless a Greenway Development permit has been issued. Any intensification, change of use, or development proposed within the compatibility review boundary of the Willamette Greenway Overlay Zone requires a Class 2 Greenway Development Permit.

As shown on the applicant's site plan, the roughly western half of the property and its southern portion adjacent to Mill Creek is located within the Willamette Greenway Overlay Zone and the Willamette Greenway compatibility review boundary. Because the proposal includes development within these potions of the site, a Class 2 Willamette Greenway Development Permit is required pursuant to SRC 600.015(a)(1) & (b)(2).

SRC Chapter 600.015(e)(2) sets forth the following criteria that must be met before approval can be granted to a Class 2 Willamette Greenway Development Permit. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the Willamette Greenway Development Permit or for the issuance of conditions of approval to satisfy the criteria.

SRC 600.015(e)(2)(A): The proposed intensification, development, or change of use is consistent with:

(i) The Willamette River Greenway Plan;

Finding: The Oregon Greenway Plan is Goal 15 of the Oregon's Statewide Planning Goals & Guidelines. The Salem Area Comprehensive Plan (SACP) includes adopted Urban Area Goals and Policies consistent with Statewide Planning Goal 15. In turn, the Salem Zoning Code implements the SACP land use goals, and more precisely governs development of the subject property. Therefore, conformance with all applicable standards in SRC Chapter 600 is sufficient to establish consistency with the Greenway Plan. Development of the subject property, as proposed, is consistent with the Greenway Plan.

(ii) The Willamette Greenway Riparian Buffer Enhancement Guide;

Finding: 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. This approval criterion is met.

(iii) The applicable standards of this chapter; and

Finding: 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 SRC Chapter 600. The proposed development, as recommended to be conditioned, complies with the applicable standards of the Willamette Greenway Overlay Zone, as required by this approval criterion, as follows:

Uses (SRC 600.020(a)):

Except as otherwise provided in this section, any use or activity that is a permitted, special, conditional, or prohibited use or activity in the underlying zone is a permitted, special, conditional, or prohibited use or activity in the Willamette Greenway Overlay Zone.

Uses in Riparian Buffer. The following uses and activities, when allowed in the underlying zone, shall be the only uses and activities allowed within the riparian buffer of the Willamette Greenway Overlay Zone:

- (1) Uses and activities excepted from a Greenway Development Permit under SRC 600.015(a)(2);
- (2) Riparian restoration and enhancement activities; and
- (3) Water-dependent and water-related uses and activities.

Finding: As identified in the findings for the proposed development's conformance with the Class 3 Site Plan Review approval criteria include in Section 8 of this report, the proposed development will consist of three mixed-use buildings housing residential uses and mixed commercial tenant space consisting of ground floor eating and drinking establishments, retail sales, and office spaces. The adaptive reuse of three existing buildings on-site will result in a Food Hall that will include eating and drinking establishments as well as retail space; a wine tasting room (eating and drinking establishment); and a Market that is planned to include small business incubator space and vendor space for local eating and drinking establishments and other retailers.

Based on the uses identified by the applicant, the proposed development will consist of Multiple Family, Eating and Drinking Establishments, Retail Sales, and Office. All of these uses are permitted uses within the MU-R zone pursuant to SRC 536.010(a) – Table 536-1. Because the uses which make up the proposed development are permitted uses within the underlying MU-R zone they are also permitted uses within the Willamette Greenway Overlay Zone.

The site plan submitted by the applicant (Attachment B) identifies the location of the Willamette Greenway Riparian Buffer. As identified on the site plan, portions of existing Building 4 (which is proposed to be adaptively reused as a Food Hall), Building 6 (which is proposed to be adaptively reused as a Market), and a proposed Willamette Greenway trail/access path, are located within the riparian buffer. Pursuant to SRC 600.020(a), allowed uses within the riparian buffer are limited to the following (when such uses and activities are otherwise allowed in the underlying zone):

- (1) Uses and activities excepted from a greenway development permit under SRC 600.015(a)(2);
- (2) Riparian restoration and enhancement activities; and
- (3) Water-dependent and water-related uses and activities.

Under SRC 600.015(a)(2), alterations of buildings or accessory structures which do not increase the size or alter the configuration of the building or accessory structure footprint; ordinary maintenance and repair of buildings, structures, parking lots, or other site improvements that were in existence prior to June 9, 2004; and development of a Willamette Greenway trail or access paths are exempt from the requirement to obtain a Willamette Greenway Development Permit. Because the proposed adaptive reuse of Buildings 4 and 6 and development of the proposed Willamette Greenway trail/access path fall within the scope of these identified exemptions from a Greenway Development Permit, they are allowed within the Willamette Greenway riparian buffer pursuant to SRC 600.020(a).

General Standards (SRC 600.025(a)):

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

Finding: As identified on the applicant's proposed on-site demolition plan, the existing predominant topographical features of the bank and escarpment will be preserved and maintained.

SRC 600.015(d)(5) requires a report by a certified engineering geologist or geotechnical engineer demonstrating that the standards specified in SRC 600.025(a)(2) have been met. This report ensures that the proposed development will not adversely affect the stability of the land area between the ordinary low water line and the Willamette Greenway Boundary. A Geotechnical Engineering Report, prepared by GeoEngineers and dated March 24, 2023, was submitted to the City of Salem. In addition, the applicant submitted a memorandum from Central Geotechnical Services, dated July 19, 2024. The findings within the Geotechnical Engineering Report and supplemental memorandum establish that he proposed development will not adversely affect the stability of the land area. Conditions of approval on the Subdivision Tentative Plan require documentation of construction monitoring activities for all site earthwork and that addresses the geotechnical considerations for each individual building lot. This will ensure that all construction activities on the site occur in a manner that ensures that the proposed development will not adversely affect the stability of the land area between the ordinary low water line and the Willamette Greenway Boundary.

SRC 600.015(d)(6) requires a report by a registered professional engineer detailing the hydraulic and flood carrying capacity of the river. This ensures that development standards of SRC 600.025(a)(3) and SRC 600.025(a)(4) are met. Specifically, the report shall ensure the hydraulic effect of the Willamette River on the bank are considered and that the flood carrying capacity of the river is not negatively impacted. The applicant's engineer submitted a Flood Capacity Memo that described the proposed development will not have an impact on the flood carrying capacity of the river.

The applicable general development standards are satisfied by the information submitted as part of the application package. The proposed development is in general conformance with the standards in SRC 600.025(a).

Landscaping (SRC 600.025(b)):

- (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.
- (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.
- (3) Trees and shrubs shall be provided as follows:
 - (A) A minimum of 1 tree shall be provided for every 20 feet of river frontage.
 - (B) A minimum of 1 shrub shall be provided for every 2 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 subparagraphs (A) and (B) of this paragraph are for calculation purposes only, and do not require linear planting. Groupings of trees, shrubs, or both are encouraged, particularly along the riverbank.
- (4) Areas which are not paved or revetted shall be planted with living ground cover.

Finding: The proposed development is in conformance with the landscaping standards included under SRC 600.025(b). The proposed landscape plan conserves and restores, to the greatest extent possible, vegetative cover within the Willamette Greenway Boundary and new landscaping will be comprised of native species.

The written statement from the applicant indicates that no native vegetation is planned for removal from the riparian buffer but if native vegetation is removed it will be replaced with native vegetation which is compatible with and enhances the functions of the riparian buffer.

As identified on the landscape plans, the project site has approximately 894 feet of river frontage which requires a minimum of 45 trees (894/20 = 44.7) and 447 shrubs (894/2 = 447). Forty-three 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 49 trees. Additionally, 556 new shrubs are planned to be provided within the Willamette Greenway Boundary.

Water Quality (SRC 600.025(c)):

- (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 paragraph (2) of this subsection, along with one or more of the mitigation measures, as set forth in paragraph (3) of this section, shall be established.
- (2) Riparian Buffer. A riparian buffer shall be established as set forth in this paragraph.
 - (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. 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 spaces at intervals no greater than 20 feet along the ordinary high-water line. The riparian buffer boundary pursuant to Method 2 shall be established as set forth in Table 600-2.
- (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:
 - (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.

Finding: As indicated in the applicant's written statement, the riparian buffer applicable to the proposed development site was established utilizing Method 2 and is shown on the proposed site plan. In order to conform to the water quality mitigation requirements of SRC 600.025(c), the applicant indicates that mitigation measure (C) will be utilized for off-street parking stormwater quantity and quality. In order to comply with this standard, the applicant submitted a preliminary Stormwater Report management report that demonstrates the use of green stormwater management to the maximum extent feasible, as required by SRC Chapter 71 and the *Public Works Design Standards (PWDS)*. The application has been conditioned to comply with the standards in SRC Chapter 71 and the *Public Works Design Standards (PWDS)*. The proposed development is in general compliance with the water quality standards of SRC 600.025(c) with the established conditions of approval.

Structures (SRC 600.025(d)):

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.

Finding: As shown on the applicant's site plan, all of Building 4, a majority of Buildings 3 and 6, and a portion of Building 5 are located within the Willamette Greenway Overlay Zone. As such, these buildings are subject to SRC 600.025(d), which require buildings and structures to be colored or surfaced to blend with the riparian area.

In order to comply with the standard, buildings and structures must be of natural earth or leaf tones. As shown on the proposed building elevations, Buildings 4 and 6 have color palettes of browns, tans, and green which are natural earth and leaf tones which blend with the riparian area as required by this standard.

Buildings 3 and 5 on the other hand have color palettes generally consisting of orange, browns, greys, black, tan, and white which are not natural earth or leaf tones that lend themselves to blending with the riparian corridor. In order to ensure Buildings 3 and 5 conform to this standard and utilize a color palette that blends with the riparian area, the following condition of approval is recommended:

Condition 1: The colors for Buildings 3 and 5 shall be from within the green and/or brown color palettes.

The proposed development, as recommended to be conditioned, conforms to this standard.

Lighting (SRC 600.025(e)):

- (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.

Finding: The written statement provide by the applicant indicates that 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 and no red or green lights are planned to be utilized. The proposed development conforms to this standard.

Screening of Parking and Unenclosed Storage Areas (SRC 600.025(f)):

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 6 feet in height at maturity. Hedges shall, when planted, be no less than 3 feet in height and shall be of a species capable of attaining a minimum height of 6 feet within 3 years after planting.

Finding: All proposed parking areas are internal to the site or located within parking garages and therefore screened from the Willamette River and adjacent properties. No unenclosed storage areas are planned. The proposed development conforms to this standard.

View Corridors (SRC 600.025(g)):

- (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 City 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 3 feet in height.

Finding: No right-of-way that is wholly or partially within the Willamette Greenway Overlay Zone is planned to be vacated. These standards are therefore not applicable to the proposed development.

■ Public Access (SRC 600.025(h)):

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

Finding: The Salem Transportation System Plan and Parks System Master Plan identify the Willamette Riverfront off-street multi-use path will run through the subject property. The applicants site plan shows the path will be constructed within the proposed development and public access will be provided through dedication of easements for the path. In order to provide public access for the to the Willamette Riverfront off-street multi-use path through the site, as required by SRC 600.025(h), the following condition is recommended:

Condition 2: The applicant shall construct the Riverfront Path as a 10-foot-wide multi-use path in a 15-foot-wide easement through the proposed development as shown on the applicant's site plan. The path shall be constructed in accordance with the Public Works Design Standards.

The proposed development, as recommended to be conditioned, conforms to this standard.

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

Finding: The applicant has submitted a preliminary stormwater management report that demonstrates the use of green stormwater management to the maximum extent feasible, as required by SRC Chapter 71 and the *Public Works Design Standards* (*PWDS*). The application has been conditioned to comply with the standards in SRC Chapter 71 and the *Public Works Design Standards* (*PWDS*). This criterion is met.

SRC 600.015(e)(2)(B): The proposed intensification, development, or change of use complies with all applicable development standards in the UDC.

Finding: As described in the findings for the Subdivision and Site Plan Review applications consolidated with the proposed Willamette Greenway Permit, the proposed development, with recommended conditions of approval, complies with all applicable standards of the UDC.

SRC 600.015(e)(2)(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.

Finding: The landscaping included in the landscape plan prioritizes conserving and restoring native vegetative cover within the Willamette Greenway Boundary and the entire site. All new plantings will be native species. In addition, a majority 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 improve the landscaped area, open space, and vegetation on site. This approval criterion is met.

- Conditions of Approval (SRC 600.0015(f)):
 - (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.
- (2) In addition to any conditions imposed under paragraph (1) of this subsection, every Greenway Development Permit shall include the following conditions:
- **Condition 3:** 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.
- **Condition 4:** 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.

7. Analysis of Subdivision Tentative Plan Approval Criteria

Pursuant to SRC 205.010(a), no land shall be divided into four more lots within a calendar year without receiving tentative subdivision plan approval. Because the proposal includes a land division creating six lots, a subdivision tentative plan is required.

SRC Chapter 205.010(d) sets forth the following criteria that must be met before approval can be granted to a tentative subdivision plan. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings of fact evaluating the proposal for conformance with the criteria. Lack of compliance with the following approval criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

SRC 205.010(d)(1): The tentative subdivision plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to, the following:

- (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.
- (B) City infrastructure standards.
- (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Finding: The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned MU-R (Mixed-Use Riverfront).

The proposed subdivision tentative plan, as recommended to be conditioned, complies with the applicable standards of the MU-R zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.

SRC Chapter 205 – Land Division and Reconfiguration

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. The applicant has met all application submittal requirements necessary for adequate review of the proposed subdivision.

The Development Services Division indicates the applicant shall provide a required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and the Salem Revised Code (SRC). If the required documents do not comply with the requirements outlined in the ORS and SRC, and as further provided in SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

The proposed subdivision meets the requirements of SRC Chapter 205.

SRC Chapter 536 - MU-R Zone

The subject property is zoned MU-R (Mixed-Use Riverfront). Development within the MU-R zone must meet the applicable standards included under SRC Chapter 536. The standards of the MU-R zone that are applicable to the proposed subdivision are as follows:

Lot Standards (SRC 536.015(a)):

Lot size and dimension standards within the MU-R zone are established under SRC 536.015(a), Table 536-2. Within the MU-R zone there are no minimum lot area, width, or depth requirements but there is, however, a minimum street frontage requirement for lots within the zone of 16 feet.

The subject property is currently comprised of three tax lots (Tax Lots 073W22AB00300, 073W22AB00600, and 073W22AB00900). As shown on the applicant's proposed tentative subdivision plan (Attachment B), the proposed subdivision includes the creation of six lots. Lots 1-3 each have frontage on Front Street and will accommodate the three, six-story, mixed-use buildings included in the proposed development. Lot 4 is generally located to the west of Lots 1-3. The majority of the area of Lot 4 is located behind Lots 1-3 but portions of the lot, however, wrap around Lots 1-3 to abut Front Street in three locations. Lot 4 will accommodate the three existing buildings on the site that are proposed to be reused as a food hall, winery, and general-purpose market space, as well the three driveways providing access to the proposed

development. Lots 5 and 6 are located in the northern portion of the site. Lot 5 has frontage on Front Street and Lot 6 is a corner lot with frontage on both Front Street NE and Shipping Street NE. Both of these proposed lots are identified on the tentative subdivision plan as being for future development which will occur separately from this proposal at a later date.

As shown on the tentative subdivision plan, all six of the proposed lots have more than 16 feet of frontage on a street. The proposed subdivision therefore conforms to the minimum lot standards of the MU-R zone.

Setbacks (SRC 536.015(c)):

Setback requirements for buildings and accessory structures within the MU-R zone are established under SRC 536.015(c), Table 536-3 & Table 536-4. Pursuant to SRC 536.015(c), Table 536-3, setback requirements for parking and vehicle use areas within the MU-R zone are based on the requirements of Table 536-4 and SRC Chapter 806 (Off-Street Parking, Loading, and Driveways). SRC 806.035(c) establishes perimeter setback requirements for parking and vehicle use areas adjacent to streets, interior property lines, and buildings.

Based on the requirements of MU-R zone, the required building, accessory structure, and off-street parking and vehicle use area setbacks applicable to the proposed development are as follows:

Required Setbacks					
Abutting Street					
Buildings	0 ft. or Max. 10 ft.	The maximum 10-foot setback applies if the setback area is used for pedestrian amenities.			
Accessory Structures	Min. 10 ft.				
Parking & Vehicle Use Areas	Min. 6 ft. to 10 ft.	Per alternative setback methods under SRC 806.035(c)(2).			
Interior Side & Interior Rear					
Buildings and	None	Zone-to-zone setback abutting Mixed- use zone			
Accessory Structures		Zone-to-zone setback abutting Public zone			
Parking and Vehicle	Min. 5 ft. with Type A Landscaping ⁽¹⁾	Zone-to-zone setback abutting Mixed-use zone			
Use Areas ⁽¹⁾		Zone-to-zone setback abutting Public zone			

Notes

(1) <u>Required Landscaping</u>: Pursuant to <u>SRC</u> 807.015(a), Table 807-1, Type A Landscaping requires a minimum planting density of 1 plant unit per 20 square feet of landscaped area.

The setback requirements of the MU-R zone apply to the development of each of the proposed individual lots. The proposal includes the development of Lots 1 through 4; and proposed Lots 5 and 6 are designated for future development. Future development of Lots 5 and 6 will be reviewed for conformance with applicable setback requirements at the time of building permit and/or site plan review for the development of those lots.

Because an application for Class 3 Site Plan Review has been submitted for the development of Lots 1 through 4, analysis of the proposed development of those lots for conformance with applicable setback requirements is included in Section 8 of this report.

<u>Setbacks to Existing Development:</u> The subject property is currently developed with several existing buildings and parking and vehicle use areas. As shown on the onsite demolition plan submitted by the applicant (**Attachment B**), the existing buildings, accessory structures, and parking and vehicle uses areas on the southern portion of the site occupying proposed Lots 1 through 4 of the subdivision will be removed (with the exception of the three buildings on the western portion of the site that are proposed to be reused for the food hall, winery, and general purpose market space) in order to accommodate the proposed redevelopment.

As a result of the proposed subdivision, new lot lines associated with proposed Lots 1 through 4 will run through existing buildings on the site which are proposed to be removed. Although the impacted buildings are proposed for removal, if the final plat of the subdivision is recorded prior to the buildings being removed it will result in a situation where the existing buildings do not conform to the requirements of the building code. In order to comply with building code requirements and ensure that no new proposed lot lines extend through existing buildings without building code compliance, the following condition of approval is recommended:

Condition 5: Prior to final plat approval, obtain a demolition permit and remove any existing buildings on the site that are identified for removal on the onsite demolition plan and located over a new proposed lot line.

As shown on the onsite demolition plan submitted by the applicant, the existing building and parking and vehicle use areas located on the northern portion of the site occupying proposed Lots 5 and 6 will remain until those lots are further developed in the future. Under the proposed subdivision, the lot boundaries of proposed Lot 6 align with the current boundaries of Tax Lot No. 073W22AB00300. As such, the proposed subdivision does not result in any changes to setbacks to the existing improvements on that lot. Similarly, proposed Lot 5 of the subdivision is configured such that the northern proposed lot line of the lot aligns with the current northern boundary of Tax Lot No. 073W22AB00600. The existing building and parking and vehicle use area setbacks

adjacent to that lot line therefore are not changed as a result of the proposed subdivision. The southern lot line of proposed Lot 5, however, establishes a new lot line boundary which runs through an existing paved parking and vehicle use area on the site without a minimum 5-foot-wide parking and vehicle use area setback being provided on both sides of the new lot line. Because a minimum required 5-foot-wide parking and vehicle use area setback is not provided to the existing paved area on Lot 5 that will remain and the proposed new driveway and adjacent parking area on Lot 4, the applicant has requested a Class 2 Adjustment to eliminate the minimum required 5-foot setback on both sides of the line. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 10 of this report.

The proposed subdivision, as recommended to be conditioned and approved with the corresponding Class 2 Adjustment, conforms to the setback requirements of the MU-R zone.

Lot Coverage (SRC 536.015(d)):

Lot coverage requirements within the MU-R zone are established under SRC 536.015(d), Table 536-5. Within the MU-R zone there is no maximum lot coverage requirement for buildings and accessory structures. Because there is no maximum lot coverage for buildings and accessory structures within the MU-R zone, the proposed subdivision and the existing buildings that will remain, and the new buildings that will be constructed, on the lots conform to the lot coverage requirements of the MU-R zone.

SRC Chapter 800 – General Development Standards

Designation of Lot Lines (SRC 800.020):

SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots.

For lots that have frontage on a public street, other than corner lots and double frontage lots, the front lot line shall be the property line that has frontage on the public street. For corner lots and double frontage lots, the front lot line shall be the property line abutting the street designated by the building permit applicant, provided that lot dimension standards are met. For flag lots, the front property line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan.

Based on the requirements of SRC 800.020, the designated front lot line for Lots 1, 2, 3, 5, and 6 is the property line abutting Front Street NE. Proposed Lot 4, however, is an irregular shaped lot which wraps around proposed Lots 1 through 3 and abuts Front Street NE in three locations. Due to the irregular configuration of this lot, the designated front lot line for Lot 4 is comprised of the three sections of front property line which abut Front Street NE and the sections of interior front property line which wrap around abut

the following property lines of proposed Lots 1 through 3:

- a) Lot 1: North, west, and south property lines;
- b) Lot 2: North, west, and south property lines; and
- c) Lot 3: North and west.

(B) City Infrastructure Standards.

The Development Services Division reviewed the proposal for compliance with the City's public facility plans pertaining to provision of streets, water, sewer, and storm drainage facilities and determined that the proposed subdivision, with recommended necessary conditions of approval, conforms to the requirements of SRC Chapter 71 (Stormwater), SRC Chapter 802 (Public Improvements), SRC Chapter 803 (Streets and Right-of-Way Improvements), and the Public Works Design Standards (PWDS). While SRC Chapter 205 does not require submission of public construction plans for City infrastructure prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct required City infrastructure to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

SRC Chapter 200 - Urban Growth Management

The subject property is located inside the City's Urban Service Area. Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration prior to development in order to determine the required public facilities necessary to fully serve the proposed development. Because the subject property is located inside the Urban Service Area, an Urban Growth Preliminary Declaration is not required in conjunction with the proposal.

Acquisition of property, easements, and right-of-way (SRC 200.050(d)):

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

Finding: As described in the analysis of SRC Chapter 802, easements are required for public access and utilities on the site. As shown on the applicant's tentative subdivision plan, there are multiple existing easements on the subject property that may conflict with required dedications. SRC 200.050(d) requires that all property, easements, and rights-of-way acquired by the developer shall be acquired by the developer in the name of, and conveyed to, the City, free of all liens and encumbrances, no later than the time of recording of the final plat. Because easements are required for public access and utilities to serve the proposed development, the following condition of approval is recommended to ensure those easements are free from encumbrances as required under SRC 200.050(d):

Condition 6: Prior to final plat approval, required right-of-way dedications and required

easements shall be free and clear of encumbrances and liens unless an

adjustment to SRC 200.050(d) is approved.

As recommended to be conditioned, the proposal meets the requirements of SRC Chapter 200.

SRC Chapter 71 – Stormwater

The proposed development is subject to SRC Chapter 71 and the revised *Public Works Design* Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

SRC Chapter 71.080 requires stormwater management through the use of green stormwater infrastructure for all land divisions. As part of the Site Plan Review application, the applicant's engineer has provided a preliminary stormwater management report for Lots 1 through 4. For lots 5 and 6, the applicant's engineer has set aside an area to be used for future stormwater management, to be designed at the time of Site Plan Review for the future development of those lots.

At time of development on each lot, the applicant is required design and construct a stormwater management system meeting the requirements in SRC Chapter 71 and the Public Works Design Standards for green stormwater infrastructure. In order to ensure that stormwater facilities are provided to serve the development in conformance with the requirements of SRC Chapter 71, the following condition of approval is recommended:

Condition 7: At the time of development on each lot, design and construct a storm drainage system in general compliance with Salem Revised Code Chapter 71 and the Public Works Design Standards.

As recommended to be conditioned, the proposal meets the requirements of SRC Chapter 71.

SRC Chapter 802 - Public Improvements

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Development within the subdivision tentative plan will be served adequately by City water, sewer, and stormwater infrastructure upon completion of the conditions described in the following analysis provided for each utility type. Private water, sewer, and storm services shall be constructed to serve each lot. Construction of facilities in the right-of-way is required prior to final plat, except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval.

Water – There are existing public water mains in Front Street NE available to serve the proposed subdivision and subsequent development of the property. There is an existing public water main on the subject property in an easement. This main extends from the

intersection of Front Street NE and Market Street NE through the subject property north to Water Street NE. This existing water main provides a benefit to the public system by creating a pressurized loop. This main is not proposed to be removed or relocated at this time. Easements for public mains are required, as further described under the analysis for conformance with SRC Chapter 802.020 (Easements). Public water main improvements are not required.

Sanitary Sewer – There is an existing 15-inch sanitary sewer main located at the intersection of Front Street NE and Market Street NE, abutting the subject property that will serve the proposed development. The applicant's preliminary utility plan shows a common private sanitary sewer collection system to be located within the development to serve lots 1 through 4. Pursuant to SRC 802.040, staff requires the mains internal to the development to be private as they only serve the proposed development and do not serve any upstream parcels. As a condition of approval, the applicant shall construct a private sanitary sewer collection system internal to the development to serve the proposed development pursuant to SRC 802.040. The system shall be constructed to meet the Public Works Design Standards (PWDS); however, will be maintained by the collective property owners. As such, the applicant is required to provide an easement and agreement for maintenance of the system pursuant to SRC 802.040(c)(2). In order to provide sanitary sewer service to Lots 1 through 4 in conformance with SRC Chapter 802, the following condition of approval is recommended:

Condition 8:

Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a private sanitary sewer collection system internal to the development to serve Lots 1 through 4, pursuant to SRC 802.040, and provide an easement and agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is approved by the Public Works Director.

There is an existing 8-inch sanitary sewer main that extends south from this main which is intended to be abandoned by the City through a Capital Improvement Project (CIP) as it is aged, damaged, and does not provide service to other properties. The applicant's plans show a connection to the 15-inch main at the intersection of Front Street NE and Market Street NE to serve a portion of the site. The plans also show a connection to the 8-inch main in Front Street NE that is slated to be abandoned. The connection to the 8-inch main in Front Street NE, however, is not permitted because the existing 8-inch main is not adequate to serve the development due to its existing condition. As a condition of approval, the applicant shall either demonstrate the properties can be served with the internal private system extending from the Market Street entrance or extend a new 8-inch public sanitary sewer main in Front Street NE from the intersection of Front Street NE to the Belmont Alley Entrance. In order to provide public sanitary sewer service to the subdivision, the following condition of approval is recommended:

Condition 9:

Prior to final plat approval, the applicant shall either demonstrate the properties can be served with the private sanitary system extending from the Market Street entrance internal to the development or extend a new 8-inch public sanitary sewer main in Front Street NE from the intersection of Front Street NE to the Belmont Alley Entrance in accordance with the *Public Works*

Design Standards.

The applicant's preliminary utility plan for Lots 5 and 6 shows sanitary sewer service will be provided through the existing public sanitary sewer main on-site. The applicant requests this main be converted to a private collection system because it is located on the private property and does not serve any upstream parcels. Staff recommends this request be evaluated at the time of future development on Lots 5 and 6 to ensure there is no need for the public sanitary sewer main to remain on-site. Pursuant to SRC 802.040, a private collection system is an option to provide adequate service to the development. In order to provide sanitary sewer service to Lots 5 and 6, the following condition of approval is recommended:

Condition 10: If approved by the Public Works Director, the applicant shall, at the time of development Lot Lots 5 or 6, convert the exiting public main within Lots 5 and 6 to a private collection system, pursuant to SRC 802.040, and provide an easement and agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is required by the Public Works Director.

Stormwater – There are existing public stormwater mains in Front Street NE available to serve the proposed subdivision and subsequent development of the property. Public stormwater improvements are not required.

There are two existing public storm mains on the subject property that provide public stormwater discharge into the Willamette River. There are two additional mapped outfalls on the subject property. A 30-inch public storm main extends from Gaines Street NE through the subject property. This main is proposed to remain on-site in an easement. A 10-inch public storm main extends from Market Street NE through the subject property. This storm main is proposed to be realigned in order to avoid conflicts with development on the subject property. Buildings and other structures are not permitted over public mains and within easements for public mains. As a condition of approval, the applicant shall relocate the public stormwater mains on-site that conflict with proposed building locations. Easements for public utility mains to remain on-site are discussed further under the analysis for SRC Chapter 802.020 (Easements). In order to ensure the proposed buildings do not conflict with public stormwater mains, the following condition of approval is recommended:

Condition 11: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall relocate public stormwater mains that are located on the subject property that conflict with development on the subject property, in an alignment approved by the Public Works Director and constructed in accordance with the Public Works Design Standards.

Easements (SRC 802.020):

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval. Any easements needed to serve the proposed lots with City infrastructure are required to be shown on the final plat. As shown on the applicants

plans, the proposed subdivision requires private access and utility easements to serve each lot. In order to ensure compliance with SRC 802.020, the following condition of approval is recommended:

Condition 12: Prior to final plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

As described in the public utility analysis, there are public water and stormwater mains on the subject property. Pursuant to SRC 802.020, easements are required to be dedicated for all public infrastructure located on the subject property. As a condition of approval, the applicant shall dedicate easements for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements). The following condition applies in order to comply with SRC 802.020:

Condition 13: Prior to final plat approval, dedicate easements for all existing and proposed public utility (water, sewer, stormwater) infrastructure on the site to current standards in Public Works Design Standards Section 1.8 (Easements).

As recommended to be conditioned, the proposed subdivision conforms to the public improvement standards of SRC Chapter 802.

SRC Chapter 803 – Street and Right-of-Way Improvements

Street Spacing & Street Standards (SRC 803.030):

SRC 803.030 establishes standards for street spacing. Pursuant to SRC 803.030(a), streets shall have a maximum spacing of 600 feet from right-of-way line to right-of-way line along one axis, and not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.

Front Street NE has an existing block length along the western right-of-way line of approximately 2,865 feet from Shipping Street NE to Division Street NE. The applicant does not propose to construct public streets through the subject property, and, as such, the proposed block length for Front Street NE is approximately 2,865-feet along the western right-of-way line. In-lieu of public streets extending through the site and meeting the block length standard, the proposal includes three internal driveways/drive aisles that run east-west through the site to provide access to the development. These internal driveways/drive aisles meet the maximum 600-foot block spacing standard and, while not public streets, will provide internal access and circulation for the development similar to the function of a street.

Because the proposed street spacing/block length along Front Street NE does not meet the requirements of SRC 803.030, an Alternative Street Standard has been requested in conjunction with the proposal which is further analyzed for conformance with the requirements of SRC 803.065 later in this staff report.

■ Boundary Streets (SRC 803.040):

Pursuant to SRC 803.025, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets as a condition of approval for subdivision applications.

The subject property has frontage on Front Street NE and Shipping Street NE. Pursuant to SRC 803.040, boundary street improvements are warranted along both frontages. Findings and conditions of approval for each street frontage are provided in the following analysis:

Shipping Street NE

Shipping Street NE abuts the property along its northern boundary. Shipping Street NE is classified as a local street under the City's Salem Transportation System Plan (TSP). Shipping Street currently terminates before extending onto private property abutting the northern property line. Shipping Street NE has an adequate right-of-way width and improvement width but currently lacks an adequate turnaround for a dead-end street, as required under SRC 803.035(d) & (f)(3), and lacks streetscape improvements including sidewalks, street trees, and street lights. In order to ensure compliance with the boundary street improvement requirements of SRC 803.040, the following condition of approval is recommended for Shipping Street NE:

Condition 14: At time of development on lot 6, boundary street improvements along Shipping Street NE shall be constructed and shall comply with SRC Chapter 803 and the *Public Works Design Standards*. Specific requirements for the improvements shall be determined at time of Site Plan Review.

Front Street NE

Front Street NE abuts the property along its eastern property boundary. Front Street NE is classified as a minor arterial street under the TSP. Front Street NE does not meet the required right-of-way and improvement width for a minor arterial street along the frontage of the property. Front Street NE currently has a variable right-of-way width and lacks adequate pavement width and pedestrian improvements. Pursuant to SRC 803.040, boundary street improvements along Front Street NE are warranted.

Front Street NE contains an active railroad line that runs parallel to the vehicular travel lanes within the right-of-way and any improvements to the right-of-way are subject to Rail crossing Orders issued by the Oregon Department of Transportation (ODOT) Rail Division pursuant to ORS 824 (Railroads). Staff and the applicant's engineer have been in discussions with the ODOT Rail Division, as well as the operators of the Burlington-Northern Santa Fe Railroad (BNSF) and the Portland & Western Railroad, Inc. (PNWR) regarding improvements to the frontage of the property that will accommodate safe travel movements for all users of the right-of-way. A preliminary design for Front Street NE has been developed; however, it has not been approved through an official ODOT Rail Crossing Orders and further design work is required. Any improvements to Front Street NE are required to comply with the safety standards established by ODOT and

shall be in conformance with the approved ODOT Rail Crossing Orders.

As identified in the applicants Traffic Impact Analysis (TIA), which is described further below, the proposed development on Lots 1 through 4 of the subdivision will generate 3,802 average daily trips, which is a significant addition to the Front Street Corridor. Improvements to Front Street NE are required in order to ensure the corridor can accommodate the additional traffic and to ensure safe pedestrian, bicycle, and railroad operations within the right-of-way. Functionally, a half-street improvement cannot be constructed in a manner that would provide for safe and efficient circulation for all users of Front Street NE; nor could it be feasibly constructed as a half street improvement. As a result, a full street improvement is required in order to complete the railroad safety improvements along the frontage. The subject property has frontage along Front Street NE from the Mill Creek Bridge to Shipping Street NE; however, the rail line extends from the intersection of Front Street Bypass to South Street NE. In order to ensure the functionality of the corridor is maintained and to adequately mitigate the traffic generated by the proposed development, the required improvements are required to extend north of the subject property to South Street.

Staff and the applicant's team have evaluated an interim option which would limit any driveway approaches onto Front Street NE to right-in and right-out movements, in order to limit conflicts with vehicles and trains within the Front Street NE right-of-way. This improvement would require a half-street improvement along the frontage of the property and pedestrian crossing improvements. These improvements would still require ODOT Rail Crossing Orders, but may allow an interim improvement to allow the development to continue and mitigate the traffic impacts generated by the development as further planning and design work continues for the corridor.

Staff finds there are two options for boundary street improvements that are recommended to be conditioned on the development. Option 1 would require all driveway approaches serving the subject property to be limited to right-in and right-out and a half-street improvement could be constructed that would limit vehicle railroad crossings. Option 1 would require pedestrian crossing improvements. Option 2 would allow for full movement of vehicles at all driveway approaches serving the subject property and require a full street improvement to ensure that rail crossings for all users are provided in a safe and efficient manner. Both options for construction will require approval of an Alternative Street Standard, as described below. In addition, regardless of which option the applicant elects to construct, the improvements must be approved through ODOT Rail Crossing Orders. In order to ensure compliance with the boundary street improvement requirements of SRC 803.040, the following condition of approval is recommended for Front Street NE:

Condition 15: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall design and construct street improvements along Front Street NE. The required improvements shall consist of one of the following options. The final design shall be approved by the Public Works Director, the Portland and Western Railroad (PNWR), the Burlington-Northern Santa Fe Railroad (BNSF), and documented with an ODOT Rail Crossing Order. If the final design is not in substantial

conformance with the options listed below, the applicant shall submit a modification to the Tentative Subdivision Plan and Site Plan Review approvals.

- a) Option 1 (Half-Street Improvement with Right-in/Right-out only Movement). The improvement shall be as shown in the preliminary concept for Option 1, as provided in **Attachment J**, and include:
 - Construct a half street improvement along Front Street NE from the Mill Creek Bridge northerly to Shipping Street NE. The improvements shall include a 13-foot-wide southbound travel lane; on-street parking; curbs, street lighting; and a 5-foot-wide sidewalk and/or a minimum 10foot-wide multi-use path.
 - Along the Portland and Western Railroad, construct an interim improvement along the west side of the tracks that includes a raised median along the entire property frontage from the Mill Creek bridge to Shipping Street NE. The raised median shall limit all access points to right-in/right-out only.
 - 3. Construct ADA crosswalks at the intersections of Market Street NE, Gaines Street NE, and Hood Street NE. The crosswalks shall include ADA accessible ramps on both sides of Front Street NE, Rapid Rectangular Flashing Beacons at each crossing, appropriate signing, and a fence placed on top of the raised median to control pedestrian crossing locations. The specific locations of the crossings shall be dependent upon the decision of BNSF to keep or remove the existing railroad spur line that is located between Hood Street NE and Gaines Street SE.
 - 4. All driveway approaches serving the site shall be limited to right-in/right-out movements; the applicant shall submit a revised and rescoped Traffic Impact Analysis evaluating the traffic movements that would be rerouted on the transportation system due to the driveways being limited to right-in/right-out movement; and any off-site mitigation identified within the revised and rescoped Traffic Impact Analysis, including those that affect any railroad crossings, shall be constructed.
- b) Option 2: (Full Street Improvement with Full Movement). The improvement shall be as shown in the preliminary concept for Option 2, as provided in **Attachment K**, and include:
 - 1. Construct a full width street improvement along both sides of Front Street NE from the Mill Creek bridge northerly to South Street NE as shown in preliminary concept plan.
 - 2. The full width street improvements include, but are not limited to:
 - a. Construct a full street improvement along both sides of Front Street NE including a 13-foot-wide travel lane in both directions, curb, bike lane, sidewalk and/or a multi-use path, on-street parking, and street lighting.
 - Along the Portland and Western Railroad, construct a raised median along both sides of the track from the Mill Creek bridge to South Street NE including railroad crossing arms at the public street intersections of Market Street NE, Gaines Street NE, Hood

- Street NE, and Norway Street NE as identified in the preliminary concept plan.
- c. Construct ADA crosswalks at the intersections of Market Street NE, Gaines Street NE, and Hood Street NE. The crosswalks shall include ADA accessible ramps on both sides of Front Street NE, Rapid Rectangular Flashing Beacons at each crossing, appropriate signing, and a fence placed on top of the raised medians to control pedestrian crossing locations. The specific locations of the crossings shall be dependent upon the decision of BNSF to keep or remove the existing railroad spur line that is located between Hood Street NE and Gaines Street NE.

Public Utility Easements (SRC 803.035(n)):

Pursuant to SRC 803.035(n), public utility easements, a minimum of 10 feet in width, may be required for all streets. The subject property is located in the MU-R (Mixed-Use Riverfront) zone, which requires buildings to constructed contiguous with the public street right-of-way unless the area in front of the building used for pedestrian amenities; in which case the building may be setback up to a maximum of 10 feet from the public street right-of-way.

Because the setback requirements of the MU-R zone require the proposed new buildings to be located adjacent to the public street within an area typically covered by public utility easements, the applicant has requested an Alternative Street Standard to eliminate the requirement to plat a 10-foot-wide Public Utility Easement along Front Street NE in order to construct proposed buildings with a setback less than 10 feet from the Front Street NE right-of-way. Analysis of the requested alternative street standard for conformance with the requirements of SRC 803.065 is included later in this report.

• Alternative Street Standards (SRC 803.065):

Pursuant to SRC 803.065, an alternative street standard may be approved to deviate from the standards included under SRC 803 where:

- 1. Existing development or physical constraints make compliance with the standards of SRC Chapter 803 impracticable;
- 2. The development site is served by full developed streets that met the standards in effect at the time the streets were originally constructed; or
- 3. Topography or other conditions make construction that conforms to the standards impossible or undesirable.

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

Due to physical constraints, the proposal includes an alternative street standard to allow increased block length, a reduced half-width right-of-way of Front Street NE, an alternative street improvement cross section for Front Street NE; and elimination of the

required public utility easement (PUE) along Front Street NE.

As described in the following analysis for each request, Front Street NE is approved to have an Alternative Street Standard pursuant to SRC 803.065:

Increased block length (SRC 800.030):

SRC 803.030 establishes standards for street spacing. Pursuant to SRC 803.030(a), streets shall have a maximum spacing of 600 feet from right-of-way line to right-of-way line along one axis, and not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis. The proposal includes an Alternative Street Standard request to allow Front Street NE to exceed the maximum allowed 600-foot block spacing standard.

Front Street NE has an existing block length along the western right-of-way line of approximately 2,865 feet from Shipping Street NE to Division Street NE. The applicant does not propose to construct public streets through the subject property, and, as such, the proposed block length for Front Street NE is approximately 2,865-feet along the western right-of-way line. In-lieu of public streets extending through the site and meeting the block length standard, the proposal includes three internal driveways/drive aisles that run east-west through the site to provide access to the development. These internal driveways/drive aisles meet the maximum 600-foot block spacing standard and, while not public streets, will provide internal access and circulation for the development similar to the function of a street.

SRC 803.030(b) specifically allows street spacing to be increased where physical conditions preclude meeting spacing requirements. Physical conditions include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, or a resource protected by state or federal law. The Willamette River creates a natural barrier to streets continuing to the west of Front Street NE. Therefore, an Alternative Street Standard for the block length of Front Street NE is recommended to be approved, pursuant to SRC 803.065(a)(1), because public streets cannot extend past the development due to the Willamette River and adequate access and connectivity is otherwise provided by the three proposed internal driveways/drive aisles.

Reduced half-width right-of-way (SRC 803.025(a)):

SRC 803.025(a) – Table 803-1 establishes minimum required right-of-way widths for streets based on their classification under the City's Transportation System Plan (TSP). Front Street NE is classified as a minor arterial street under the TSP and requires an overall right-of-way width of 72-feet, or a 36-foot-wide half-width right-of-way. The proposal includes an Alternative Street Standard request to allow Front Street NE to have a reduced half-width right-of-way in certain locations.

As shown on the applicant's proposed tentative subdivision plan, the existing half-width right-of-way of Front Street NE along the property's frontage varies from 30-feet to approximately 46.5-feet. The applicant requests an alternative street standard to allow

the exiting half-width right-of-way of Front Street to remain and to not require additional right-of-way dedication where the existing half-width does not meet the minimum standard.

As identified in this report, preliminary plans have been established for improvements to the Front Street corridor and additional right-of-way is not required to accommodate the improvements. In addition, because of the location of the site along the Willamette River and the associated constrained east-west depth of the site due to the topography of the river's east bank, the developable area of the site is currently limited and would be further limited if additional right-of-way was required to be dedicated in those areas where the half-width is not a minimum of 36 feet. Therefore, an Alternative Street Standard is recommended to be approved, pursuant to SRC 803.065(a)(3), to allow a reduced half-width right of way along Front Street NE because the additional right-of-way is not necessary.

Alternative cross section for Front Street NE (SRC 803.025(b) and SRC 803.035):

SRC 803.025(b) – Table 803-2 and SRC 803.035 establish minimum required improvements for streets based on their classification under the City's TSP. Front Street NE is classified as a minor arterial street under the TSP requiring a minimum 46-footwide improvement. Front Street is currently improved with a variable width of 40 feet to 70 feet. The proposal includes an Alternative Street Standard request to allow Front Street NE to deviate from the street improvement standards established in SRC 803.025(b) and SRC 803.035.

As identified in this report, Front Street NE is recommended to be improved to an alternative cross section that can accommodate an active railroad line running within the right-of-way. Due to the presence of the railroad line, the street will not be able to meet the typical cross section for a Minor Arterial Street within the TSP and the Public Works Design Standards; however, the street will, as recommended to be conditioned, provide adequate pedestrian, bicycle, vehicular, and rail access within the right-of-way and will meet the intent of the standards. The final cross section of Front Street NE is subject to approval by the ODOT Rail Division through an official Rail Order, as identified in the conditions of approval recommended in this report. Due to the physical constraints associated with the rail line running within Front Street, an Alternative Street Standard for the cross section of Front Street NE is recommended to be approved, pursuant to SRC 803.065(a)(3), to allow Front Street NE to be constructed in a manner that is approved by ODOT Rail and the City of Salem Public Works Department.

Elimination of required public utility easement (PUE) (SRC 803.035(n)):

SRC 803.035(n) provides that public utility easements (PUEs) a minimum of 10 feet in width may be required on each side of the right-of-way for all streets to accommodate franchise utilities. The applicant has requested an Alternative Street Standard to eliminate the requirement to plat a 10-foot-wide Public Utility Easement along Front Street NE in order to construct proposed buildings setback less than 10 feet from the Front Street NE right-of-way.

The subject property is located in the MU-R (Mixed-Use Riverfront) zone, which requires buildings to constructed contiguous with the public street right-of-way unless the area in front of the building used for pedestrian amenities; in which case the building may be setback up to a maximum of 10 feet from the public street right-of-way.

Franchise utility providers were provided notice of the proposed development and at time of completion of this staff report, no franchise utility providers have requested dedication of a PUE. Staff finds that in order to accommodate the required building setbacks of the MU-R zone, the PUE may be eliminated, unless otherwise requested by a franchise utility company. In order to ensure the requested alternative street standard otherwise fulfills the intent of SRC 803.035(n), the following condition of approval is recommended:

Condition 16: Prior to final plat approval, the applicant shall work directly with franchise utility companies and provide any easements necessary to serve the subdivision with franchise utility services.

Due to the setback requirements of the MU-R zone which require buildings to be constructed adjacent to the street, an Alternative Street Standard is recommended to be approved, pursuant to SRC 803.065(a)(3), with the recommended condition of approval to eliminate the 10-foot PUE requirement along Front Street NE.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

SRC Chapter 601 (Floodplain)

SRC Chapter 601 establishes requirements for development within mapped floodplain areas in order to preserve and maintain the capability of the floodplain to convey flood water discharges and minimize danger to life and property.

The City's Floodplain Administrator reviewed the Flood Insurance Study and Flood Insurance Rate Maps and determined that the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain and Floodway. Development within the floodplain requires a floodplain development permit. As identified on the tentative subdivision plan and in the application materials submitted by the applicant, four of the proposed lots within the subdivision (Lots 1 through 4) are proposed for further development as part of this consolidated application. The requirements of SRC Chapter 601 as they specifically apply to the proposed development of Lots 1 through 4 are addressed in the analysis of the proposed development's conformance with the Class 3 Site Plan Review approval criteria of SRC 220.005(f)(3), which is included in Section 8 of this report.

SRC Chapter 808 (Preservation of Trees and Vegetation)

There are existing trees on the property, including trees within the riparian corridor of the Willamette River. The City's tree preservation ordinance defines "tree" as, "any living woody

plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

The tree preservation ordinance (SRC Chapter 808) protects:

- 1) Heritage Trees;
- 2) Significant Trees (including Oregon White Oaks with diameter-at-breast-height (dbh) of 20 inches or greater and any other tree with a dbh of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
- 3) Trees and native vegetation in riparian corridors; and
- 4) Trees on lots or parcels 20,000 square feet or greater.

Pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with land division proposals for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. Because the proposed subdivision does not involve lots that will be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters, a tree conservation plan is not required in conjunction with the proposed subdivision and the development must otherwise comply with the tree preservation requirements of SRC 808.015, which requires the preservation of significant trees, and SRC 808.020, which requires the preservation of trees and native vegetation within riparian corridors.

As discussed in the applicant's written statement and identified on the proposed tree preservation and removal plan, there are five existing trees on the property that are proposed for removal in order to accommodate construction of the proposed Willamette Greenway path through the property. In addition, 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. 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.

Pursuant to SRC 808.030(a)(2)(G), a tree and vegetation removal permit is not required for the removal of trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 when the removal is necessary for public trail or public park development and maintenance. Because the trees and native vegetation identified for removal is necessary in order to construct the proposed Willamette Greenway path on the site, which is a public trail identified in both the City's Transportation System Plan and Comprehensive Parks System Master Plan, a removal permit is not required.

SRC Chapter 809 (Wetlands)

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to

jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The Salem-Keizer Local Wetland Inventory shows that there are linear wetland channels, the Willamette River and Mill Creek, mapped on and adjacent to the property. The applicant is advised to contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way.

Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. In response to the required Wetlands Notice, DSL indicated that there may be jurisdictional wetlands on the subject property that are impacted by the proposed development. DSL requires a Wetlands Delineation in order to determine if a State-Removal Permit is required for the proposed development. The DSL response also indicates that a Federal Permit from the Army Corps of Engineers may be required for work within the waterways of Mill Creek or the Willamette River. As a condition of approval, the applicant shall demonstrate they have performed a wetlands delineation for the property and obtained DSL Concurrence for the findings within the wetlands delineation. The applicant shall obtain any necessary State and Federal Permitting prior to any ground disturbing activity on the subject property in order to minimize the impacts of development on jurisdictional wetlands and waterways. The following condition of approval is recommended:

Condition 17: Prior to development on any lot, evidence shall be provided that any required State and/or Federal permits have been obtained relating to development adjacent to jurisdictional wetlands and waterways.

SRC Chapter 810 (Landslide Hazards)

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), the subject property is mapped with areas of two landslide hazard susceptibility points. The proposed activity of a subdivision adds three activity points to the proposal, which results in a total of five points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers and dated March 24, 2023, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing geotechnical considerations listed within the report. In order to ensure development on the subject property complies the recommendations within the Geotechnical Report and SRC Chapter 810, the following condition of approval is recommended:

Condition 18:

Prior to submittal of building permits for any lot within the proposed subdivision, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot

The proposed subdivision, as recommended to be conditioned, complies with the requirements of SRC Chapter 810.

SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

Finding: As shown on the applicant's tentative subdivision plan, the site of the proposed new mixed-use neighborhood comprises four of the six proposed lots. The remaining two lots (Lots 5 and 6) will be developed separately at a later date. The lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the MU-R (Mixed-Use Riverfront) zone. Approval of the subdivision will not impede future use of the subject property or access to any abutting properties. This approval criterion is met.

SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.

Finding: The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and are adequate to serve the lots within the proposed subdivision, subject to the conditions of approval recommended in this report. This approval criterion is met.

SRC 205.020(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Finding: The subject property abuts Front Street NE and Shipping Street NE. Front Street NE is classified as a minor arterial street under the City's Transportation System Plan (TSP) and Shipping Street NE is classified as a local street under the TSP. As shown on the tentative subdivision plan, no new streets are planned within or adjacent to the site. Onsite circulation will be provided through a network of driveways, access aisles, and offstreet parking areas.

The recommended conditions of approval for the proposed subdivision require improvements along the boundary streets of the property in order to ensure compliance with the Salem TSP, as authorized through the approval of the alternative street standard for Front Street NE pursuant to SRC 803.065. This approval criterion is met.

SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding: Access to the proposed subdivision will be provided by the network of existing public streets that surround the property. The planned network of on-site transportation improvements includes a mix of vehicle, bicycle, and pedestrian facilities, including driveways and parking areas, sidewalks, and shared use paths, that provide safe and convenient opportunities for movement on-site. Improvements along the subject property's Front Street NE frontage include wide sidewalks that further enhance pedestrian safety.

The recommended conditions of approval establish requirements to ensure boundary street improvements are constructed to address railroad safety concerns within the Front Street NE right-of-way. With the recommended conditions of approval identified in this report, the street system in and adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This approval criterion is met.

SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Finding: The subject property is located within one-half mile of several neighborhood activity centers, including schools, parks, transit stops, and employment centers. The proposed development is served by Grant School Park, located approximately 0.45 miles east of the subject property, and Riverfront Park, located approximately 0.41 miles south of the subject property. As shown on the applicant's proposed site plan, planned pedestrian and bicycle connections on-site will connect with planned and existing pedestrian and bicycle facilities in Front Street NE and will provide access to the larger network of sidewalks and shared use and dedicated bicycle lanes that exist within one-half mile of the site. This approval criterion is met.

SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Finding: Pursuant to SRC 803.015(b)(1), a Traffic Impact Analysis (TIA) is required. As part of the application package, the applicant submitted a TIA prepared by Lancaster Mobley dated June 3, 2024, with an addendum dated July 24, 2024. The TIA was produced for the mixed-use development portion of the subdivision on Lots 1 through 4. Because the uses of Lots 5 and 6 are unknown at this time, the TIA does not account for the buildout of those lots. At time of future development of Lots 5 and 6, if the applicability criteria for requiring a TIA under SRC 803.015(b) are met, a TIA will be required.

The TIA and addendum establish that the proposed development on Lots 1 through 4 of the subdivision will generate 3,802 average daily trips, which is a significant addition to the Front Street Corridor. The TIA reviews available crash data, queuing times, intersection operations, and safety and provides mitigation recommendations. The TIA does not address the required half-street improvement along Front Street NE and the safety recommendations relating to the Railroad that lies within Front Street NE; these are

addressed through the recommended conditions of approval relating to Boundary Street Improvements required under SRC 803.040. Based on the operations and safety analysis within the TIA, the following three mitigation measures are recommended:

Recommendation 1: Alternative performance measures, such as using average hourly operations, which meet the level of services (LOS) standard and/or traffic simulations of delay, which meet the delay standards are recommended for the Market Street/Center Access & Front Street intersection. Although traffic control changes were considered, all-way stop control would significantly increase overall intersection delay, traffic signal warrants are not satisfied with the forecast traffic volumes, and a roundabout is not considered feasibly because of the PWRR line that runs through the intersection.

Staff Response: The applicant's Traffic Engineer recommends a new performance measure, relating to Operation Standards, which would require an amendment to the Public Works Design Standards (PWDS) which establish TIA drafting standards. The City does not have plans to amend established performance standards. As such, the boundary street improvement conditions recommended in this report adequately address operations at the Market Street Entrance to the development.

Recommendation 2: To address existing and future queuing across the Portland & Western Railroad (PWRR) tracks on Front Street NE as it approaches OR 99E, signage, such as "DO NOT SOTP ON TRACKS" (Sign R8-8)) is recommended per MUTCD guidance. This recommendation is independent of the proposed project.

Staff Response: Staff recommends that as a condition of approval, the applicant shall obtain an ODOT Rail Crossing Order and provide the recommended signage to address queuing across the Portland & Western Railroad (PWRR) tracks on Front Street NE as it approaches OR 99E.

Recommendation 3: The posted speed on Front Street NE is currently 35 mph which is typical for a minor arterial roadway; however, the proposed development and reconfiguration on Front Street NE supports consideration of a lower posted speed more appropriate for the active commercial area. Changing a speed zone is a complex process but should be considered as a long-term option for Front Street NE along the sight frontage.

Staff Response: Development approvals cannot be conditioned to change speeds as those changes are required to go through the Oregon Department of Transportation (ODOT) process for changing speed limits. This process requires an ODOT engineering investigation and approval from the state traffic roadway engineer. Staff does not recommend this mitigation as a condition of approval on the development but acknowledges that this mitigation is identified and will review speed limits during the overall Front Street Corridor planning process as redevelopment in the area continues.

In order to ensure the tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis as required by this approval criterion, the following condition of approval is recommended:

WGP-SUB-SPR-ADJ-DAP24-01 Staff Report September 25, 2024 Page 40

Condition 19: Prior to final plat approval or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), the applicant shall obtain an ODOT Rail Crossing Order and provide the TIA recommended signage to address queuing across the Portland & Western Railroad tracks on Front Street NE as it approaches OR 99E.

The Assistant City Traffic Engineer has reviewed the TIA and concurs with its findings and recommended mitigation relating to queuing signage. Other mitigation measures are not recommended to be conditioned on the development, as discussed above. With the listed conditions of approval, the tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis.

SRC 205.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

Finding: The subdivision and associated proposed development on Lots 1 through 4 is an infill project that seeks to redevelop a previously developed industrial site. As such, the majority of the site is currently developed. The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

As described in findings included in this report, the lot configuration established by the proposed subdivision meet applicable development standards; and the configuration of the proposed lots makes logical use of the developable land. All existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property and evaluated with this decision. As conditioned, the layout allows for reasonable development of all lots within the subdivision to minimize the need for variances to the greatest extent practicable. This approval criterion is met.

SRC 205.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

Finding: As explained in the findings establishing conformance with SRC 205.010(d)(8) above, the tentative subdivision plan configures lots to allow for the development of the site, which has been reviewed for conformance with the Willamette Greenway Overlay Zone (SRC 600) and the City's tree preservation ordinance (SRC 808) to ensure the proposal minimizes disruptions to topography and vegetation. The proposed lots are also of sufficient size and dimension to permit future development of uses allowed within the zones. This approval criterion is met.

SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration,

construction of any off-site improvements is assured.

Finding: The subject property is located inside the Urban Service Area and adequate facilities are available. An Urban Growth Preliminary Declaration is therefore not required and this approval criterion is not applicable to the proposed development.

8. Analysis of Class 3 Site Plan Review Approval Criteria

Pursuant to SRC 220.005(a)(1)(A), site plan review is required prior to issuance of a building permit for any development that requires a building permit. Any development requiring a building permit that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015, requires Class 3 Site Plan Review.

Because the proposal includes a Class 2 Willamette Greenway Development Permit, a Tentative Subdivision Plan, Class 1 and Class 2 Adjustments, and a Class 2 Driveway Approach Permit, Class 3 Site Plan Review is required pursuant to SRC 220.005(a)(1)(A) & 220.005(b)(3).

Salem Revised Code (SRC) 220.005(f)(3) sets forth the following criteria that must be met before approval can be granted to an application for Class 3 Site Plan Review. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC.

Finding: The proposal includes the redevelopment of the former Truitt Brothers cannery site as a mixed-use neighborhood consisting of three, six-story, mixed-use buildings with a total of 382 dwelling units, ground floor commercial tenant space, second-story outdoor community open space and amenities, and ground floor and basement parking; a proposed food hall building, winery building, and general-purpose market space building; on-site surface parking; and pedestrian access throughout the site and along the Willamette River.

The subject property is comprised of three tax lots (Tax Lots 073W22AB00300, 073W22AB00600, and 073W22AB00900), all of which are designated "River-Oriented Mixed-Use" on the Salem Area Comprehensive Plan Map and zoned MU-R (Mixed-Use Riverfront). Portions of the subject property are also located within the Willamette Greenway Overlay Zone due to the location of the property adjacent to the east bank of the Willamette River.

As identified on the applicant's site plan, the new mixed-use neighborhood is proposed to be developed on Lots 1, 2, 3, and 4 of the corresponding tentative subdivision plan. As such, the Class 3 Site Plan Review included with this proposal applies only to the development of these specific lots. Because no specific development is proposed for Lots 5 and 6 of the subdivision at this time, future development of those lots will require separate site plan review approval.

The allowed uses and applicable development standards of the MU-R zone are set forth under SRC Chapter 536 and the allowed uses and applicable development standards of the Willamette Greenway Overlay Zone are set forth under SRC Chapter 600. Because the property is located partially within the Willamette Greenway Overlay Zone, a Class 2 Willamette Greenway Development Permit is also required. Analysis of the proposed development for conformance with the requirements of the Willamette Greenway Overlay Zone is included in Section 6 of this report.

The proposed development conforms to SRC Chapter 536 and all other applicable development standards of the Salem Revised Code as follows:

SRC Chapter 536 - MU-R Zone

Uses (SRC 536.010):

As identified in the written statement provided by the applicant, the proposed development will consist of three mixed-use buildings housing residential uses and mixed commercial tenant space consisting of ground floor eating and drinking establishments, retail sales, and office spaces. The adaptive reuse of three existing buildings on-site will result in a Food Hall that will include eating and drinking establishments as well as retail space; a wine tasting room (eating and drinking establishment); and a Market that is planned to include small business incubator space and vendor space for local eating and drinking establishments and other retailers.

The applicant explains that while the general uses (multiple family, eating and drinking establishments, retail sales, and office) that comprise the proposed development have been determined, the precise distribution of space that will be allocated among commercial users is subject to change and individual commercial tenants have not yet been identified. As such, the application requests that the distribution of the areas dedicated to eating and drinking establishments, retail sales, and office space be permitted to remain flexible to promote the intent of the MU-R zoning district, which is to accommodate a range of commercial and residential users that may change over time and in response to changes in market demand. The planned area and approximate distribution of proposed commercial uses within the development, as identified by the applicant, is outlined in the following table:

Planned Distribution of Commercial Uses				
	Total Mixed	Approximate Proportion of Commercial Space Dedicated for Various Uses (±%)		
Building	Commercial Tenant space (square feet)	Eating & Drinking Establishments	Retail Sales	Office
Building 1	9,802	50	40	10
Building 2	7,360	50	34	16

Building 3	7,360	50	-	50
Food Hall	17,395	81	19	-
Winery	2,925	100	-	-
Market	4,046	40	60	-
Total Commercial Tenant Space	48,888	63	25	12

Based on the uses identified by the applicant, the proposed development will consist of Multiple Family, Eating and Drinking Establishments, Retail Sales, and Office. Allowed uses within the MU-R zone are identified under SRC 536.010(a). Pursuant to Table 536-1, Multiple Family, Eating and Drinking Establishments, Retail Sales, Office, and a variety of other non-residential uses are permitted within the MU-R zone.

In addition to identifying those uses that are allowed within the zone, SRC 536.010 identifies uses that are specifically prohibited within the zone. Pursuant to SRC 536.010(b), any permitted, special, or conditional use within the MU-R zone shall be a prohibited use if developed with a drive-through. As shown on the applicant's site plan, none of the proposed uses will include a drive-through. As such, the proposed uses are therefore not prohibited in the MU-R zone.

As shown on the site plan and indicated in the applicant's written statement, although the general uses (multiple family, eating and drinking establishments, retail sales, and office) that will comprise the proposed development have been determined, the precise location and distribution of the proposed commercial uses is subject to change because individual commercial tenants have not yet been identified. Because specific commercial tenants and their location within the proposed buildings have not yet been identified, site plan review approval will be required, when applicable, prior to establishing individual commercial tenant spaces within the development.

■ Lot Standards (SRC 536.015(a)):

Lot size and dimension standards within the MU-R zone are established under SRC 536.015(a) – Table 536-2. Within the MU-R zone there are no minimum lot area, width, or depth requirements but there is, however, a minimum street frontage requirement for lots within the zone of 16 feet.

As identified in the associated findings for the proposed tentative subdivision plan's conformance with the applicable standards of the Unified Development Code (UDC) included in Section 7 of this report, the proposed subdivision creates six proposed lots ranging in size from approximately 36,455 square feet to approximately 210,858 square feet. Four of the proposed lots (Lots 1 through 4) are proposed for development of the new mixed-use neighborhood and the remaining two lots (Lots 5 and 6) will be developed separately from this proposal at a later date.

As shown on the tentative subdivision plan and the proposed site plan, all of the proposed lots, including Lots 1 through 4 which are proposed for development with this application, have more than 16 feet of frontage on a street and therefore conform to the minimum lot standards of the MU-R zone.

Dwelling Unit Density (SRC 536.015(b)):

Dwelling unit density requirements for development within the MU-R zone are established under SRC 536.015(b). Within the MU-R zone, development that is exclusively residential or single-room occupancy shall have a minimum density of 15 dwelling units per acre.

The proposal includes a mixed-use development consisting of residential and commercial uses. Because the proposed development is not exclusively residential or single-room occupancy, the dwelling unit density requirements of SRC 536.015(b) are not applicable to the proposal.

Setbacks (SRC 536.015(c)):

Setback requirements for buildings and accessory structures within the MU-R zone are established under SRC 536.015(c) – Table 536-3 & Table 536-4. Pursuant to SRC 536.015(c) – Table 536-3, setback requirements for parking and vehicle use areas within the MU-R zone are based on the requirements of Table 536-4 and SRC Chapter 806 (Off-Street Parking, Loading, and Driveways). SRC 806.035(c) establishes perimeter setback requirements for parking and vehicle use areas adjacent to streets, interior property lines, and buildings.

Based on the requirements of MU-R zone, the required building, accessory structure, and off-street parking and vehicle use area setbacks applicable to the proposed development are as follows:

Required Setbacks				
Abutting Street				
Buildings	0 ft. or Max. 10 ft.	The maximum 10-foot setback applies if the setback area is used for pedestrian amenities.		
Accessory Structures	Min. 10 ft.			
Parking & Vehicle Use Areas	Min. 6 ft. to 10 ft.	Per alternative setback methods under SRC 806.035(c)(2).		
Interior Side & Interio	Interior Side & Interior Rear			
Buildings and	None	Zone-to-zone setback abutting Mixed- use zone		
Accessory Structures	None	Zone-to-zone setback abutting Public zone		
Parking and Vehicle Use Areas ⁽¹⁾	Min. 5 ft. with Type A Landscaping ⁽¹⁾	Zone-to-zone setback abutting Mixed- use zone		

	Zone-to-zone setback abutting Public zone
es a minimum planting	<u>s</u> 807.015(a), Table 807-1, Type A density of 1 plant unit per 20 square feet

An analysis of the proposed development for conformance with the setback requirements of the MU-R zone is as follows:

Building Setbacks Abutting Street: As indicated in the applicant's written statement and shown on the site plan, the proposed new mixed-use buildings (Buildings 1, 2, and 3) on Lots 1, 2, and 3 are setback approximately 2.8 feet from the Front Street NE right-of-way and the setback area will be developed with an extension of the sidewalk, which qualifies as a pedestrian amenity under SRC 536.005. The main entrances to each of these proposed buildings is setback 10 feet from the adjacent right-of-way and similarly developed with an extension of the public sidewalk to serve as a pedestrian amenity. Because the setback areas between the proposed buildings on Lots 1, 2, and 3 and Front Street will be developed as a pedestrian amenity, a maximum setback of up to 10 feet is allowed. The proposed setbacks abutting Front Street for Buildings 1, 2, and 3 therefore conform to the setback requirements of the MU-R zone for buildings abutting a street.

Buildings 4, 5, and 6 on Lot 4 of the subdivision are proposed refurbished existing buildings that will be adaptively reused. Because these buildings were in existence on August 24, 2022, and were made non-conforming development as a result of the adoption of the MU-R zone, they are considered continued development pursuant to SRC 536.015(f). As shown on the tentative subdivision plan and the site plan, Lot 4 abuts Front Street NE in three locations where the three proposed driveways serving the development are located. However, although portions of Lot 4 abut Front Street, the majority of the lot and Buildings 4, 5, and 6 are setback from the street behind Lots 1, 2, and 3 and the proposed new buildings that will be constructed on them. As shown on the proposed site plan, buildings 4, 5, and 6 currently exceed the maximum required setback of the MU-R zone for buildings abutting a street. However, because these buildings are existing continued development under SRC 536.015(f)(2) and because the buildings are located on a proposed lot in locations where they do not face a primary street, the maximum setbacks of the MU-R zone for buildings abutting a street are not applicable.

Off-Street Parking and Vehicle Use Area Setbacks Abutting Street: As shown on the proposed site plan, Lots 1, 2, and 3 include off-street parking located within parking garages on the ground floor and basement levels of Buildings 1, 2, and 3. Proposed Lot 4 includes off-street surface parking and vehicle use areas abutting Front Street NE and abutting interior front, side, and rear property lines.

Pursuant to SRC 806.035(c)(5)(A), perimeter setbacks and landscaping are not required for any portion of a parking garage with frontage on a street and containing

ground floor uses or activities other than parking. In addition, pursuant to SRC 806.035(c)(1)(A)(v), perimeter setbacks and landscaping are not required for underground parking. As shown on the proposed site plan, the proposed ground floor parking within Buildings 1, 2, and 3 are separated from Front Street by uses other than parking. As such, the perimeter setback and landscaping requirements of SRC 806.035(c) are not applicable to these proposed parking areas. Similarly, because the proposed parking areas within the basement levels of Buildings 1, 2, and 3 are located underground, the perimeter setbacks and landscaping requirements of SRC 806.035(c) are not applicable to these proposed parking areas.

Lot 4 includes one off-street surface parking area located adjacent to Front Street NE at the proposed Gaines Street Entrance to the site. As shown on the site plan, the proposed off-street parking area is setback approximately 22 feet to 34 feet from the property line abutting Front Street in conformance with the setback requirements of the MU-R zone and SRC 806.035(c).

<u>Building Setbacks Abutting Interior Property Lines:</u> Pursuant to SRC 536.015(c) – Table 536-3 and Table 536-4, there are no minimum required zone-to-zone setbacks for buildings abutting mixed-use and public zoned properties. As such, there are no minimum required setbacks abutting the interior property lines of the proposed lots and the proposed buildings on them therefore conform to the setback requirements of the MU-R zone.

Off-Street Parking and Vehicle Use Area Setbacks Abutting Interior Property Lines: Pursuant to SRC 536.015(c) – Table 536-3 and Table 536-4, there is a minimum 5-foot parking and vehicle use area setback required for parking and vehicle use areas abutting mixed-use and public zoned properties. In addition, SRC 806.035(c)(5) establishes a minimum required 5-foot setback for parking garages abutting interior property lines.

As shown on the site plan, the proposed off-street surface parking areas on Lot 4 meet the minimum setback requirements of the MU-R zone abutting interior property lines, with the exception of those parking and vehicle use areas associated with Gaines Street Entrance, the Market Street Entrance, and the Belmont Alley. Similarly, the ground floor parking garage portions of Buildings 1, 2, and 3 do not meet the minimum 5-foot perimeter setback required for parking garages abutting interior property lines under SRC 806.035(c)(5).

Because the minimum required 5-foot parking and vehicle use area setback is not provided in all locations, the applicant has requested Class 2 Adjustments to eliminate the required setback in the affected locations. Analysis of the Class 2 Adjustment requests and findings demonstrating their conformance with the Class 2 Adjustment approval criteria are included in Section 10 of this report.

The proposed development, as recommended to be approved with the corresponding Class 2 Adjustments, conforms to the setback requirements of the MU-R zone.

Lot Coverage (SRC 536.015(d)):

Lot coverage requirements within the MU-R zone are established under SRC 536.015(d) – Table 536-5. Within the MU-R zone there is no maximum lot coverage requirement for buildings and accessory structures. Because there is no maximum lot coverage for buildings and accessory structures within the MU-R zone, the proposed development conforms to the lot coverage requirements of the MU-R zone.

Height (SRC 536.015(d)):

Height requirements for buildings and accessory structures within the MU-R zone are established under SRC 536.015(d) – Table 536-5. Within the MU-R zone buildings are required to be a minimum of 20 feet in height but cannot exceed a maximum height of 70 feet. Accessory structures within the MU-R zone have no minimum height requirement but, as is required for buildings, cannot exceed a maximum height of 70 feet.

As shown on the elevation drawings for the refurbished buildings on the site (*Buildings* 4, 5, and 6) that are proposed to be adaptively reused for the food hall, winery, and market, the roofs of each of these buildings are at least 20 feet but not more than 70 feet in height, thereby conforming to the minimum and maximum height requirements of the MU-R zone.

As shown on the elevation drawings for the new proposed mixed-use buildings (Buildings 1, 2, and 3) on Lots 1, 2, and 3, the height of these buildings is 74 feet which exceeds the minimum required building height of the MU-R zone but exceeds the maximum allowed 70-foot building height by four feet. Because the proposed height of these buildings exceeds the maximum allowed height of the MU-R zone, a Class 1 Adjustment has been requested by the applicant to increase the maximum allowed building height for each of the proposed buildings to 74 feet. Analysis of the Class 1 Adjustment request and findings demonstrating its conformance with the Class 1 Adjustment approval criteria is included in Section 9 of this report.

The proposed development, as recommended to be approved with the corresponding Class 1 Adjustments, conforms to the height requirements of the MU-R zone.

Building Frontage (SRC 536.015(d)):

Minimum building frontage requirements within the MU-R zone are established under SRC 536.015(d) – Table 536-5. Within the MU-R zone a minimum of 50 percent of the frontage of a lot is required to be occupied by buildings placed at the front setback line. For corner lots, the minimum 50 percent frontage requirement applies to the street with the highest street classification, and a minimum building frontage of 40 percent is required on the intersecting street. For double frontage lots, the minimum 50 percent frontage requirement is only required to be met on the street with the highest classification. Where both streets have the same classification, the applicant may choose which street the building frontage standard applies to.

None of the lots proposed for development are corner lots or double frontage lots. Lots 1, 2, and 3 abut Front Street NE and therefore a minimum of 50 percent of the frontage of each of these proposed lots is required to be occupied by buildings placed at the front setback line. As shown on the site plan, Lots 1, 2, and 3 have more than 50 percent of their building frontages occupied by buildings placed at the setback line and therefore conform to the building frontage requirements of SRC 536.015(d).

Proposed Lot 4 is generally located behind proposed Lots 1, 2, and 3 and has no buildable lot frontage abutting Front Street NE due to the locations of the three proposed driveways providing access to the site (the Gaines Street Entrance, the Market Street Entrance, and the Belmont Alley). As shown on the site plan, Lot 4 is proposed to accommodate the three existing buildings on the site that are proposed to be reused for the food hall, winery, and market. As previously indicated in this report, because these buildings were in existence on August 24, 2022, and were made non-conforming development as a result of the adoption of the MU-R zone, they are considered continued development pursuant to SRC 536.015(f). Because these buildings are existing continued development under SRC 536.015(f)(2) and because the buildings are located on a proposed lot in locations where they do not face a primary street, the minimum building frontage requirements of the MU-R zone are not applicable to these buildings.

The proposed development conforms to the building frontage requirements of the MU-R zone.

Landscaping (SRC 536.015(e)):

Landscaping requirements within the MU-R zone are established under SRC 536.015(e). Within the MU-R zone landscaping is required as follows:

- (1) <u>Setbacks</u>. Setbacks within the MU-R zone, except setback areas abutting a street that provide pedestrian amenities, shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) <u>Vehicle Use Areas</u>. Vehicle use areas within the MU-R zone shall be landscaped as required under SRC Chapter 806 and SRC Chapter 807.

<u>Setback Landscaping</u>. As shown on the applicant's proposed landscape plans, all setback areas are landscaped as set forth in SRC Chapter 807, except for those abutting the Belmont Alley, the Market Street Entrance, and the Gaines Street Entrance where these areas are otherwise developed with pedestrian amenities including sidewalks with tree grates and Class 2 Adjustments have been requested to eliminate the minimum required 5-foot parking and vehicle use area setback abutting the interior property lines. Analysis of the Class 2 Adjustment requests and findings demonstrating their conformance with the Class 2 Adjustment approval criteria is included in Section 10 of this report. The proposed development, as recommended to be approved with the corresponding Class 2 Adjustments, conforms to the setback landscaping requirements of the MU-R zone.

Parking & Vehicular Use Area Landscaping. SRC 806.035(d) establishes interior landscaping requirements for parking areas greater than 5,000 square feet in size. As shown on the applicant's proposed landscape plans, the proposed off-street surface parking areas provided on the site total approximately 28,090 square feet in size and are therefore subject to the interior parking lot landscaping requirements of SRC 806.035(d)(2). Based on the size of the off-street parking area, a minimum of five percent (1,405 square feet) of interior parking lot landscaping is required to be provided.

As shown on the applicant's landscape plan, a total of approximately 2,022 square feet of interior parking lot landscaping is provided which conforms to the minimum five percent interior parking area landscaping requirement of SRC 806.035(d)(2).

In addition to requiring a minimum square footage of interior parking lot landscaping, SRC 806.035(d)(3) requires a minimum of one deciduous shade tree to be planted within a parking area for every 12 parking spaces. SRC 807.005 defines a shade tree as, "...a deciduous tree, or, in rare occasions, an evergreen tree, planted primarily for its high crown of foliage or overhead canopy."

Based on the 58 off-street surface parking spaces proposed on Lot 4, a minimum of five deciduous shade trees are required. As shown on the applicant's landscape plan, at total of 6 deciduous shade trees are proposed within the off-street parking area; thereby complying with the interior parking area landscaping requirements of SRC 806.035(d)(3).

SRC 806.035(d)(4) requires landscape islands and planter bays within off-street parking areas to be a minimum of 25 square feet in size with a minimum width of five feet. As shown on the applicant's landscape plan, all of the proposed parking lot planter bays provided within the interior of the off-street surface parking area conform to the minimum size and dimension requirements of SRC 806.035(d)(4).

The proposed development conforms to the landscaping requirements of the MU-R zone.

Continued Development (SRC 536.015(f)):

Pursuant to SRC 536.015(f), buildings and structures existing within the MU-R zone on August 24, 2022, that would be made non-conforming development by the MU-R zone are deemed continued development.

As shown on the proposed site plan, three existing buildings on proposed Lot 4 will be retained and adaptively reused. Because these buildings existed on August 22, 2024, and were made non-conforming development by the MU-R zone, they are considered continued development and therefore subject to the continued use development standards of the MU-R zone included under SRC 536.015(f)(2).

As provided in the applicant's written statement, while the planned food hall, winery, and market on Lot 4 will be housed within existing buildings that were constructed prior to August 24, 2022, the view of these buildings from Front Street NE is obstructed by

proposed Buildings 1, 2, and 3 and planned landscaping within and along the proposed on-site vehicular circulation areas. Because these buildings are existing continued development under SRC 536.015(f)(2) and none of the continued development will face a primary street, any changes to the facades of the continued development are not subject to the development standards of the MU-R zone.

Pedestrian-Oriented Design (SRC 536.015(g)):

Pursuant to SRC 536.015(g), development within the MU-R zone shall conform to the following pedestrian-oriented design standards set forth in Table 536-6.

Ground Floor Height		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets.	Min. 10 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.

Pursuant to SRC 536.005, Front Street NE is designated as a primary street. As such, the proposed new mixed-use buildings on Lots 1, 2, and 3 which include ground floors on a primary street are subject to this standard. As identified on the building elevations for Buildings 1, 2, and 3, the ground floor height of the buildings adjacent to Front Street NE is 12 feet. The proposed ground-floor building height therefore exceeds the minimum height requirements of the MU-R zone.

The proposed food hall, winery, and market buildings on Lot 4 are continued development that is not located on a primary street. This standard is therefore not applicable to these buildings.

Public Pedestrian Access		
Requirement	Standard	Limitations & Qualifications
This standard applies between the Willamette River and Front Street.	Public pedestrian access shall be provided at least every 400 feet	For the purposes of this standard, public pedestrian access shall be in the form of a sidewalk, street, or alley that is a minimum of 12 feet wide and that meets at least three of the following standards: (a) Incorporate visual contrast or tactile finish texture. (b) Be constructed with pavers, scored or colored concrete, and/or stamped asphalt. (c) Be elevated above parking areas and driveways by a height of 3 to 3.5 inches. (d) Be defined with landscaping or building features such as canopies, awnings, or arcades. (e) Provide active use frontages and/or entrances with overlooking windows, stoops, or terraces. (f) Provide pedestrian-level lighting.

As identified in the applicant's written statement and shown on the proposed site plan, public access is provided between the Willamette River and Front Street at least every 400 feet by sidewalks on the northern side of the Belmont Alley, the Market Street Entrance, and the Gaines Street Entrance that are spaced less than 400 feet apart and improved to a width of approximately 12.5 feet. The written statement provided by the applicant indicates that each proposed sidewalk will be paved with concrete (in contrast to the driveways), elevated above the driveways by 3 to 3.5 inches, and will contain landscaping and pedestrian-level lighting.

Upon review of the site plan, the proposed sidewalks provided between Front Street and the Willamette River meet the minimum required spacing and width requirements but it's unclear, however, based on the information provided on the plans whether each of the proposed sidewalks incorporate at least three of the required elements to accentuate and visually distinguish the proposed paths as required by this standard. In addition, the pedestrian paths/sidewalks required under this standard are required to be open to the public. In order to ensure the proposed paths/sidewalks between Front Street and the Willamette River meet the public pedestrian access requirements of SRC 536.015(g) and are open to the public, the following conditions of approval are recommended:

Condition 20: The three proposed pedestrian paths/sidewalks identified on the site plan between Front Street NE and the Willamette River shall include at least three of the following features:

- a) Incorporate visual contrast or tactile finish texture.
- b) Be constructed with pavers, scored or colored concrete, and/or stamped
- c) Be elevated above parking areas and driveways by a height of 3 to 3.5 inches.

- d) Be defined with landscaping or building features such as canopies, awnings, or arcades.
- e) Provide active use frontages and/or entrances with overlooking windows, stoops, or terraces.
- f) Provide pedestrian-level lighting.

Condition 21: Public access easements shall be provided for the three proposed pedestrian paths/sidewalks identified on the site plan between Front Street NE and the Willamette River.

The proposed development, as recommended to be conditioned, complies with the public pedestrian access standards of SRC 536.015(g).

Building Façade Articulation			
Requirement	Standard	Limitations & Qualifications	
This standard applies to building facades facing primary streets.	Required	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.	
		Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.	
		 a) Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards: 1. Change in materials. 2. Change in color. 3. Molding or other horizontally-articulated transition piece. 	
		 b) Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards: 1. Recesses of a minimum depth of two feet. 2. Extensions of a minimum depth of two feet. 3. Vertically-oriented windows. 4. Pilasters that project away from the building. 	

Building Façade Articulation			
Requirement	Standard	Limitations & Qualifications	
		 c) Top: Building tops shall be defined by at least one of the following standards: 1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the façade. 2. Change in materials from the upper floors, with that material being a minimum of eight inches tall. 3. Offsets or breaks in roof elevation that are a minimum of three feet in height. 4. A roof overhang that is a minimum of eight inches beyond the face of the facade. 	

Front Street NE is designated as a primary street. As such, the proposed new mixed-use buildings on Lots 1, 2, and 3 which face Front Street NE are subject to this standard. As identified in the applicant's written statement and shown on the proposed building elevations, each of the building facades facing Front Street NE incorporate vertical and horizontal articulation that divide the vertical mass of each building into a base, middle, and top. The base, middle, and top facades are distinguished from each other through changes in material types, changes in color, and use of a horizontally articulated transition pieces. The middle facade provides visual interest at a minimum of every 50 feet using recessed balconies, vertically oriented windows, changes in color and materials, and pilasters. The top facade is defined by a change in material from the upper floors. The proposed development conforms to the building façade articulation requirements of the MU-R zone.

The proposed food hall, winery, and market buildings on Lot 4 are continued development with building facades that do not face a primary street but instead face the proposed buildings on Lots 1, 2, and 3. This standard is therefore not applicable to those buildings.

Ground Floor Windows		
Requirement	Standard	Limitations & Qualifications
This standard applies to building ground floors on primary streets and building ground floors along the riverfront	Min. 65%	For the purposes of this standard, ground floor building façades shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

Ground Floor Windows		
Requirement	Standard	Limitations & Qualifications
		For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.

Front Street NE is designated as a primary street and the property is located along the riverfront of the Willamette River. As such, the proposed new mixed-use buildings on Lots 1, 2, and 3 which include ground floors on Front Street and oriented to the riverfront are subject to this standard. As identified in the applicant's written statement and shown on the proposed building elevations, proposed Buildings 1, 2, and 3 have the following percentages of ground floor windows facing Front Street and the riverfront:

Ground Floor Building Transparency			
Building No. Floor Windows Facing Floor Windo		Percentage of Ground Floor Windows Facing the Riverfront	
Building 1	81%	60%	
Building 2	83%	56%	
Building 3	83%	52%	

As identified on the building floor plans, the ground floors of proposed Buildings 1, 2, and 3 facing Front Street NE will include mixed commercial tenant space. As shown in the above table, the ground floor facades for each of these buildings exceed the minimum 65 percent ground floor window requirement facing Front Street.

The riverfront-oriented ground floors of Buildings 1, 2, and 3, however, are planned for residential dwellings. The applicant indicates that in order to provide some degree of privacy for the future residents within these units, the ground floor facades of the buildings facing the river have been designed to include glazing that is slightly below the minimum required percentage. As such, the applicant has requested Class 1 Adjustments in conjunction with the proposal to reduce the minimum percentage of required ground floor windows for Buildings 1, 2, and 3 facing the riverfront. Analysis of the Class 1 Adjustment requests and findings demonstrating their conformance with the Class 1 Adjustment approval criteria is included in Section 9 of this report.

The proposed food hall, winery, and market buildings on Lot 4 are continued development that will not face a primary street. This standard is therefore not applicable to these buildings. The proposed development, as recommended to be approved with the corresponding Class 1 Adjustments, conforms to the ground floor building transparency

requirements of the MU-R zone.

Building Entrances			
Requirement	Standard	Limitations & Qualifications	
This standard applies to building ground floors on primary streets and building ground floors along the riverfront.	Required	For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.	
		For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.	
		For all uses on the ground floor of a building along the riverfront, at least one primary building entrance shall face the Willamette River.	
		Building entrances shall include weather protection.	

Front Street NE is designated as a primary street and the property is located along the riverfront of the Willamette River. As such, the proposed new mixed-use buildings on Lots 1, 2, and 3 which include ground floors on Front Street and oriented to the riverfront are subject to this standard. As identified in the applicant's written statement and shown on the proposed building elevations, proposed Buildings 1, 2, and 3 include primary building entrances for each mixed commercial tenant space on the ground floor facing Front Street NE and each ground floor residence facing the riverfront. Each of the proposed entrances is either recessed and covered or includes a 6-foot-wide canopy to provide weather protection.

The proposed food hall, winery, and market buildings on Lot 4 are continued development that will not face a primary street. This standard is therefore not applicable to these buildings. The proposed development conforms to the building entrance requirements of the MU-R zone.

Weather Protection			
Requirement	Standard	Limitations & Qualifications	
This standard applies to building ground floors adjacent to a street and along the riverfront.	Residential uses Min. 50% Non-residential uses Min. 75%	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.	
		Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.	

The subject property abuts Front Street NE and is located along the riverfront of the Willamette River. As such, the proposed new mixed-use buildings on Lots 1, 2, and 3 which include ground floors adjacent to Front Street and oriented to the riverfront are subject to this standard. As identified in the applicant's written statement and shown on the proposed building elevations, proposed Buildings 1, 2, and 3 have the following percentages of ground weather protection facing Front Street and the riverfront:

Ground Floor Weather Protection				
Building No. Percentage of Weather Percentage of Weather Protection Facing Front Street NE Percentage of Weather Protection Facing the Riverfront				
Building 1	91%	56%		
Building 2	89%	59%		
Building 3	89%	59%		

As shown in the above table, the ground floor facades for each of these buildings exceed the minimum 50 percent weather protection requirement for the ground floor residential uses within the buildings facing the riverfront and the minimum 75 percent weather protection requirement for the ground floor non-residential uses within the buildings facing Front street. The proposed weather protection also provides more than eight feet of vertical clearance above adjacent sidewalks.

The proposed food hall, winery, and market buildings on Lot 4 are continued development that will not face a primary street. This standard is therefore not applicable to these buildings. The proposed development conforms to the ground floor weather protection of requirements of the MU-R zone.

The proposed development, as conditioned and approved with the Class 2 Adjustment, conforms to this standard.

Parking Location			
Requirement	Standard	Limitations & Qualifications	
This standard applies to off-street parking areas and vehicle maneuvering areas.	Required	Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.	
		When a building is located on property contiguous to the river and is located between the river and a street, off-street surface parking areas and vehicle maneuvering areas may be located between a building and the street along a maximum of 50 percent of the length of the lot line abutting a street, provided a three-foot tall, decorative, sight-obscuring wall is provided between those areas and the street.	

The subject property is located between the Willamette River and Front Street NE. As such, the proposed development is subject to this standard. As indicated in the applicant's written statement and shown on the site plan, all proposed off-street surface parking areas and vehicle maneuvering areas are located behind or beside buildings and structures at the interior of the site. No parking and/or vehicle maneuvering areas are located between a building and Front Street NE. The proposed development complies with the parking location requirements of the MU-R zone.

Mechanical and Service Equipment			
Requirement	Standard	Limitations & Qualifications	
This standard applies to mechanical and service equipment.	Required	Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.	
		Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.	

As identified in the applicant's written statement, mechanical and service equipment is

proposed to be located within the proposed buildings as shown on the proposed building elevations and floor plans. Because the ground level mechanical and service equipment provided to serve the development will be located within the proposed buildings, the screening requirement for ground level mechanical and service equipment is met.

The applicant indicates that if rooftop mechanical equipment is required, it will be set back or screened in a manner consistent with the above standards. Because the proposal does not specifically identify whether any rooftop mechanical equipment will be provided to serve the development, the following condition of approval is recommended to ensure that if any rooftop mechanical equipment is provided it will be setback or screened in conformance with the applicable standards of the MU-R zone:

Condition 22: Any mechanical equipment provided on the roofs of the proposed buildings, with the exception of solar panels and wind generators, shall be setback or screened so as to not be visible to a person standing at ground level 60 feet from the building.

The proposed development, as recommended to be conditioned, conforms to this standard.

SRC Chapter 76.160 (Encroachments into Public Right-of-Way):

In order to ensure there is no interference with the public use of the right-of-way, encroachments into the public right-of-way are prohibited. However, the Public Works Director may authorize an encroachment into the public right-of-way pursuant to the conditions established in SRC 76.760.

The applicants site plan shows balconies and awnings that project into the public right-of-way of Front Street NE. Pursuant to SRC 76.160 encroachments into the public right-of-way are not permitted without a Revocable License to Encroach, approved by the Public Works Director. Structural elements of the building, including foundations, posts, and roofs are not permitted to encroach into the right-of-way. As a condition of approval, the applicant shall be required to obtain a revocable license to encroach into the public right-of-way for proposed balconies and awnings. In order to ensure the conditions of SRC 76.160 are met, the following condition is recommended:

Condition 23: Prior to issuance of building permits for the mixed-use buildings located on proposed Lots 1, 2, and 3, the applicant shall obtain a Revocable License to Encroach into the right-of-way for the proposed balconies and awnings that project into the public right-of-way pursuant to SRC 76.160.

SRC Chapter 71 – Stormwater:

The proposed development is subject to SRC Chapter 71 and the Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: Development on the subject property requires treatment and detention of stormwater by the use of Green Stormwater Infrastructure. The applicant's engineer provided a Preliminary Stormwater Report, dated March 6, 2024, as part of the Site Plan Review application. The preliminary stormwater design demonstrates the use of green

WGP-SUB-SPR-ADJ-DAP24-01 Staff Report September 25, 2024 Page 59

stormwater infrastructure to the maximum extent feasible. In order to ensure the system is designed and constructed in accordance with SRC Chapter 71 and the Public Works Design Standards, the following condition applies:

Condition 24: Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

SRC Chapter 230 - Historic Preservation

The proposed project is within Salem's Cultural Resource Protection Zone. There are multiple known archaeological sites (both historic and precontact), within close proximity to the project area. Given that public funding will be used for this project, prior to development, the applicant will be required to demonstrate compliance with SRC 230.105 through Archaeological Historic Clearance approval per Salem #APP 3.20 demonstrating there will be no adverse effect to archaeological resources as a result of the ground disturbance proposed during redevelopment of the site. The Clearance Review will require an archaeological survey of the project area, as well as an Oregon State Archaeological Permit, archaeological monitoring plan and an Inadvertent Discovery Plan. In order to demonstrate compliance with SRC 230.105 the following condition of approval is recommended:

Condition 25: Prior to issuance of any City permits authorizing ground disturbing activity, the developer shall provide evidence of completed Archaeological Historic Clearance and completed consultation with the Tribes and the SHPO.

SRC Chapter 600 – Willamette Greenway

As shown on the applicant's site plan, the roughly western half of the property and its southern portion adjacent to Mill Creek is located within the Willamette Greenway Overlay Zone and the Willamette Greenway compatibility review boundary. Because the proposal includes development within these potions of the site, a Class 2 Willamette Greenway Development Permit is required pursuant to SRC 600.015(a)(1) & (b)(2). Analysis of the proposed development for conformance with the requirements of the Willamette Greenway Overlay Zone are included in Section 6 of this report.

SRC Chapter 800 – General Development Standards

Fences, walls, hedges, gates, and retaining walls (SRC 800.050):

SRC 800.050 establishes standards that apply to fences, walls, hedges, gates, and retaining walls in all zones.

Finding: Fencing is not indicated in the plans for the proposed development. However, if fencing is provided in the future, it shall comply with the applicable standards of SRC Chapter 800.

The applicant's proposed site plan identifies an existing retaining wall as being located

along the southern portion of the site adjacent to Mill Creek. Notes included on the site plan indicate that structural improvements are required for the wall and that those required improvements will be determined at the time of building permit. Pursuant to SRC 800.050(a)(4), retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street in height.

Solid Waste Service Areas (SRC 800.055):

SRC 800.055 establishes standards that apply to all new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

A solid waste service area is defined under SRC 800.010 as, "An area designed and established for the purpose of satisfying the local collection franchisee service requirements for servicing receptacles, drop boxes, and compactors singularly or collectively."

Finding: As shown on the site plan, the proposed development includes a total of four trash enclosure/collection areas meeting the definition of a solid waste service area under SRC 800.010. Three of the four trash enclosure/collection areas are located on the ground floors of Buildings 1, 2, and 3. The fourth trash enclosure/collection area is located within the proposed food hall (Building 4).

The written statement provided from the applicant indicates that because the applicable provisions of SRC 800.055 do not adequately anticipate the type of relatively high-density urban infill that is planned with the proposal, the application includes the following deviations from the solid waste siting and configuration standards of SRC 800.055:

- (1) <u>SRC 800.055(b)&(c)</u> Deviate from solid waste receptacle and compactor placement standards by reducing the minimum required separation of trash receptacles and compactors from adjacent walls and reduce the minimum required pad area extending from the rear of the receptacles and compactors; and
- (2) <u>SRC 800.055(f)</u> Deviate from solid waste service area standards by reducing the minimum required vehicle operation area and turning radius dimensional requirements for the solid waste service area of the proposed Food Hall building.

Because the proposed development does not meet the applicable solid waste service area standards included under SRC 800.055(b)&(c) and SRC 800.055(f), the applicant has requested a Class 2 Adjustment to these standards. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 10 of this report.

In order to ensure that the proposed development conforms to all of the other applicable solid waste service area standards included under SRC 800.055, the following condition of approval is recommended:

Condition 26: All trash enclosure/collection areas shall conform to the solid waste service area standards of SRC 800.055, with the exception of those standards that have been approved for a Class 2 Adjustment.

Pedestrian Access (SRC 800.065):

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, middle housing, and multiple family developments subject to SRC Chapter 702, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

SRC 800.065 establishes standards for pedestrian access to buildings and through development sites. Under this section, pedestrian connections are required:

- (1) Between building entrances and streets;
- (2) Between buildings on the same development site;
- (3) Through off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles;
- (4) Through parking structures/parking garages where an individual floor of the parking structure or garage exceeds 25,000 square feet in size;
- (5) To existing or planned paths and trails; and
- (6) To abutting properties when shared vehicular access is provided between them.

Finding: The proposed development is subject to the pedestrian access standards of SRC 800.065.

SRC 800.065(a)(1) - Pedestrian Connection Between Building Entrances and Streets.

A pedestrian connection is required between the primary entrance of each building on a development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

Finding: The proposed development has frontage on one street, Front Street NE. As shown on the proposed site plan, on-site pedestrian connections are provided between the primary building entrances of each building and Front Street NE. The proposed development conforms to this standard.

<u>SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on the Same Development Site.</u>

Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all the buildings. Pursuant to SRC 800.065(a)(2)(B)(i) & (ii), a pedestrian connection, or pedestrian connections, is not required between buildings on the same development site if the buildings have a primary

building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting a street and a public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances.

Finding: As shown on the site plan, the on-site pedestrian circulation system provided for the proposed development connects the primary building entrances of all buildings on the development site. The proposed development conforms to this standard.

SRC 800.065(a)(3) – Pedestrian Connection Through Off-Street Parking Areas. Off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection. Pursuant to SRC 800.065(a)(3)(A)(iv), regardless of the site of the off-street parking area, pedestrian connections are not required through off-street parking areas that have a depth, in all locations, of not more than 124 feet.

Finding: As shown on the site plan, on-site pedestrian connections are provided through the proposed off-street parking area to connect to the primary entrances of the proposed buildings on site. The proposed development conforms to this standard.

SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails. Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

- (A) Be constructed, and a public access easement or dedication provided; or
- (B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

Finding: The Salem Transportation System Plan and Parks System Master Plan identify the Willamette Riverfront off-street multi-use path as running through the subject property. The site plan submitted by the applicant shows the path will be constructed within the proposed development and public access will be provided through dedication of easements for the path. The proposed development conforms to this standard.

SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties. Except as provided under SRC 800.065(a)(5)(A), whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided.

Finding: As shown on the site plan, the proposed development includes a driveway which is stubbed to the northern property line of Lot 4 for the eventual extension into Lot 5 with the future development of that lot. Because a vehicle connection is provided to abutting Lot 5 to the north, a pedestrian connection to this lot is also required pursuant to this standard. As shown on the site plan, the proposed development includes the construction of the Riverfront Path to the northern property line of Lot 4 for the eventual extension into Lot 5 with the future development of that lot. With the extension of this path to the northern property line of proposed Lot 4, the proposed development conforms to this standard.

<u>SRC 800.065(b)(1) – Design and Materials</u>. Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Walkways shall conform to the following:

- (A) Materials and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and a minimum of five feet in width.
- (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
- (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

Finding: As provided in the applicant's written statement and identified on the site plan, the proposed pedestrian connections throughout the site are proposed to be paved with a hard-surface material, are a minimum of five feet in width, and are visually differentiated by using different paving material and a changed elevation where they cross vehicle use areas. The proposed development conforms to this standard.

<u>SRC 800.065(b)(2) – Design and Materials</u>. Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

Finding: As shown on the proposed site plan, wheel stops are included within the parking spaces adjacent to the Riverfront Path to prevent vehicle encroachment into the required pedestrian connection. In addition, the proposed parking spaces located immediately to the north of Building 1 are standard size stalls which include a two-foot curb extension to prevent vehicle encroachment rather than a wheel stop.

The proposed off-street parking spaces adjacent to the north property line of Lot 4, however, do not include either wheel stops or extended curbs to prevent vehicle encroachment into the abutting pedestrian connection. In order to ensure the off-street parking spaces adjacent to the northern property line of Lot 4 do not encroach into the required pedestrian connection, the following condition of approval is recommended:

Condition 27: The proposed off-street parking spaces located adjacent to the north property line of proposed Lot 4 shall include either wheel stops or extended curbs to prevent vehicles from encroaching into the required abutting pedestrian connection.

The proposed development, as recommended to be conditioned, conforms to this standard.

SRC 802 - Public Improvements:

Development to be served by City utilities:

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan and as established in the conditions of approval for the Subdivision, described in the preceding analysis. Conditions of approval establish that the subdivision conditions be satisfied before building permits are issued, as utility infrastructure improvements are conditioned on the subdivisions application to serve each lot within the subdivision and the proposed mixed-use development. To ensure development on the property is adequately served, the following condition of approval is recommended:

Condition 28: The final subdivision plat shall be recorded prior to issuance of any building permits, including permits for civil site work for proposed development on each lot. The final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, and Public Works permits.

At time of Building Permit, the applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

SRC 803 – Street and Right-of-way Improvements

Boundary Street Improvements

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for certain development.

Finding: Boundary street improvement requirements are discussed in the preceding analysis and conditioned on the Subdivision application. Staff recommends that the subdivision conditions be satisfied before building permits are issued, as transportation improvements are conditioned on the subdivisions application to ensure the boundary streets of the property meet the requirements in SRC Chapter 803.

SRC Chapter 804 - Driveway Approaches:

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: The applicant proposes three (3) new driveway approach onto Front Street NE and has applied for Class 2 Driveway Approach Permits; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. In conjunction with the Class 2 Driveway Approach Permit, the applicant has requested Class 2 Adjustments for driveway spacing and Class 2 Adjustments for Vision Clearance at each driveway approach serving the property, the findings for which are provided in this memo. With approval of the Class 2 Driveway Approach Permits and Class 2 Adjustments, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

SRC Chapter 805 – Vision Clearance:

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Finding: The applicant proposes three (3) new driveway approaches onto Front Street NE. Vision Clearance standards are met at the Gaines Street Entrance onto Front Street NE. The driveway approaches at the Market Street and Belmont Alley Entrances onto Front Street NE do not meet the vision clearance standards established in SRC 805.005(b)(1)(B) for driveway approaches serving commercial uses. The Applicant has submitted a Class 2 Adjustment to deviate from the Vision Clearance standards, findings for which are provided in this memo. With approval of the adjustment for Vision Clearance, the development complies with SRC Chapter 805 relating to Vision Clearance.

SRC Chapter 806 – Off-Street Parking, Loading, and Driveways

SRC Chapter 806 establishes requirements for off-street parking, loading, and driveways. Included in the chapter are standards for off-street vehicle parking; minimum bicycle parking; minimum loading; and parking, bicycle parking, loading, and driveway development standards.

Maximum off-street parking (SRC 800.015(a)):

Maximum off-street vehicle parking requirements are established under SRC 806.015(a), Table 806-1. The maximum allowed off-street parking for the development is as follows:

Maximum Allowed Off-Street Parking			
Use Max. Parking Ratio Development Max. Spaces Proposed Allowed			
Multiple Family	1.75 spaces per dwelling unit	382 units	669

Eating & Drinking Establishments	1 space per 175 ft. ²	30,875 ft. ²	176
Retail Sales	1 space per 200 ft. ²	12,160 ft. ²	61
Office	1 space per 250 ft. ²	5,885 ft. ²	24
		Maximum Total	930

Based on the above identified maximum off-street parking requirements, the proposed development is allowed to have a maximum of 930 off-street parking spaces. As shown on the site plan, the proposed development includes a total of 422 parking spaces, which does not exceed the maximum number of spaces allowed under SRC 806.015(a).

Of the total 422 parking spaces provided, 58 are off-street surface parking spaces located on proposed Lot 4; a total of 73 parking spaces are located within ground level parking garages within proposed Buildings 1, 2, and 3; and the remaining 291 spaces are located in basement level automated parking garages within Buildings 1, 2, and 3.

Compact parking (SRC 800.015(b)):

SRC 806.015(b) allows for the utilization of compact parking stalls to satisfy up to 75 percent of the parking spaces provided on a development site.

As shown on the site plan, a total of 45 (10.7%) of the parking stalls provided are proposed to be designated as compact parking. The proposed number of compact parking spaces does not exceed the maximum 75% allowed under SRC 806.015(b).

Carpool and vanpool parking (SRC 800.015(c)):

SRC 806.015(c) requires new developments with 60 or more off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, to designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

The proposed development is a mixed-use neighborhood containing residences, eating and drinking establishments, and retail and office space. A portion of the mixed commercial tenant spaces in Buildings 1, 2, and 3 will include office space, which falls under The Business and Professional Services use category. The proposed development includes a total of 422 off-street parking spaces for the entire development site. A Class 2 Adjustment has been requested by the applicant to reduce the amount of required carpool and vanpool parking for the proposed development. Analysis of the Class 2 Adjustment request and findings demonstrating its conformance with the Class 2 Adjustment approval criteria is included in Section 10 of this report.

Electric vehicle charging spaces (SRC 800.015(d)):

SRC 806.015(d) requires that for any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and

nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

The written statement provided by the applicant indicates that the project will include provisions for electrical service capacity for electric vehicle (EV) charging spaces, as defined in ORE 455.417, and that final EV-ready stall location and conduit placement will be coordinated with the project electrician at the time of building permit submittal.

Because the proposal does not currently identify how the EV charging requirements will be met on the site, the following condition of approval is required to ensure compliance with SRC 806.015(d):

Condition 29: Prior to building permit approval for the proposed development, the site plan shall be revised to comply with the electric vehicle charging space requirements of SRC 806.015(d).

Off-Street Parking Area Dimensions (SRC 806.035(e)):

SRC 806.035(e) – Table 806-5, establishes minimum dimension requirements for off-street parking stalls and the drive aisles serving them. Pursuant to SRC 806.035(e)(1), minimum off-street parking area dimensions do not apply, however, to vehicle storage areas.

As shown on the site plan, the proposed development includes a total of 422 off-street parking spaces. Of the total 422 off-street parking spaces provided, 58 are off-street surface parking spaces located on proposed Lot 4; a total of 73 parking spaces are located within ground level parking garages within proposed Buildings 1, 2, and 3; and the remaining 291 spaces are located in basement level automated parking garages within Buildings 1, 2, and 3.

Based on the layout of the parking spaces within the development, the proposed ground-level parking garage spaces within Buildings 1, 2, and 3 and the surface off-street parking spaces on proposed Lot 4 are required to meet the following standards:

Minimum Parking Stall & Drive Aisle Dimensions				
Stall Type Parking Stall Dimension Drive Aisle Width				
90° Standard Stall	9 ft. x 19 ft.	24 ft.		
90° Compact Stall (1)	8 ft. x 15 ft.	22 ft. ⁽²⁾		

Notes

- (1) Compact Stall Dimension Next to Wall or Post: Pursuant to SRC 806, Table 806-5, compact sized parking stalls next to a wall or post must be a minimum of 8-foot 6-inches in width.
- (2) The width of a drive aisle serving both standard and compact

parking spaces 80 degrees or more shall be a minimum of 24 feet.

In regard to the 291 proposed spaces located in the basement level automated parking garages in Buildings 1, 2, and 3, these spaces are considered a form of short-term vehicle storage because the typical required access aisles and parking space dimensions are not applicable or necessary in order for the cars to be parked/stored. As such, minimum parking space dimensions and drive-aisle requirement of SRC 806.035(e) are not applicable to these spaces.

As shown on the site plan, the proposed off-street surface parking spaces and associated drive aisles on Lot 4 conform to the dimension requirements of SRC 806.035(e). The proposed ground level parking garage spaces within Buildings 1, 2, and 3, however, have been revised in a manner so they no longer conform to the minimum drive-aisle and parking space dimensions required under SRC 806.035(e). In order to ensure these spaces conform to applicable dimension requirements, the following condition of approval is recommended:

Condition 30: Prior to building permit approval for the proposed development, the off-street parking spaces and associated parking lot drive aisles for the ground level parking garage spaces within Buildings 1, 2, and 3 shall be revised to conform to the dimensional requirements of SRC 806.035(e).

The proposed development, as recommended to be conditioned conforms to parking area dimension requirements.

Off-Street Parking Area Access and Maneuvering (SRC 806.035(f)):

SRC 806.035(f) establishes access and maneuvering requirements for off-street parking areas. Pursuant to the requirements of this subsection, off-street parking and vehicle use areas are required to be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street and, where a drive aisle terminates at a dead-end, a turnaround is provided that conforms to the dimensions set forth in Table 806-6.

As shown on the site plan and building floor plans, ingress and egress to and within the proposed off-street parking areas within the development will be provided via internal driveways and drive aisles that are designed so that vehicles are able to maneuver onsite and enter and exit the property in a forward motion.

As identified on the site plan there are two areas on the site, however, where parking lot drive aisles end in a dead-end within Building 3 and to the east of the food hall building. In order to ensure that vehicles are able to turnaround in these areas a turnaround is provided meeting the dimensional requirements of SRC 806.035(f) – Table 806-6. The proposed development conforms to this standard.

• Additional standards for new off-street surface parking areas more than one-half acre in size. (SRC 806.035(n)): 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, including the provision of climate mitigation measures pursuant to SRC 806.035(n)(1) and provision of tree canopy pursuant to SRC 806.035(n)(2). 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.

Because the proposal includes more than one-half acre of new off-street surface parking area, the provisions of this section are applicable to the proposed development. In order to meet the requirements of SRC 806.035(n), the applicant has chosen to provide increased tree canopy coverage, pursuant to SRC 806.035(n)(1)(C), which requires tree canopy coverage to be provided covering at least 40 percent of new off-street parking and vehicle use areas in no more than 15 years. Provision of increased tree canopy coverage under SRC 806.035(n)(1)(C) also satisfies the provision of tree canopy requirement included under SRC 806.035(n)(2).

As shown on the proposed landscape plans, the total parking area on the site equals approximately 28,050 square feet and approximately 11,829 square feet (42%) tree canopy coverage is proposed to be provided; therefore exceeding the minimum 40 percent climate mitigation increased tree canopy coverage requirements.

Driveways (SRC 806.040):

SRC 806.040(d) establishes minimum driveway standards. Pursuant to SRC 806.040(d), Table 806-8, one-way driveways are required to have a minimum width of 12 feet and two-way driveways are required to have a minimum width of 22 feet.

As shown on the site plan, the proposed development will be served by three driveways onto Front Street NE. All of the proposed driveways within the development exceed the minimum required driveway widths established under SRC 806.040. The proposed development conforms to this standard.

■ Bicycle Parking (SRC 806.055):

Minimum bicycle parking requirements are established under SRC 806.055(a), Table 806-9. The minimum bicycle parking requirement for the proposed development is as follows:

Minimum Required Bicycle Parking			
Use Min. Parking Ratio Development Min. Spaces Proposed Required			
Multiple Family	1 space per dwelling unit	382 units	382
Eating &	The greater of 4	30,875 ft. ²	31

Drinking Establishments	spaces or 1 space per 1,000 ft. ²		
Retail Sales	The greater of the following: 4 spaces or 1 per 10,000 sq. ft	12,160 ft. ²	4
Office	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft.	5,885 ft. ²	4
		Total	421

Based on the above identified minimum bicycle parking requirements, a minimum of 421 bike parking spaces are required for the proposed development. As shown on the site plan, the proposed development includes a total of 439 bike spaces, therefore exceeding the minimum required number of spaces. Of these spaces, 59 are proposed short-term spaces and the remaining 380 are proposed long-term spaces.

<u>Bicycle Parking Location</u>. The proposed development includes a combination short-term and long-term bicycle parking. All short-term bicycle parking is located outside the buildings within a convenient distance of and clearly visible from the primary building entrance as shown on the site plan and building floor plans. Long-term bicycle parking spaces are provided within an automated system in the parking garages. The automated system includes automated bicycle parking platforms accessed from a lockable/access restricted parking bay. The bicycle parking platforms meet all dimensional standards.

As shown on the site plan, the proposed short-term bicycle parking spaces are located within 50 feet of, and visible from, the primary entrances of the proposed buildings on the site. The proposed development conforms to this standard.

Bicycle Parking Access. SRC 806.060(b) requires bicycle parking areas to have direct and accessible access to the public right-of-way and the primary building entrance that is free of barriers which would require users to lift their bikes in order to access the bicycle parking area. All short-term bicycle parking spaces are on the ground floor with direct access to the on-site pedestrian circulation network and the primary building entrances. The long-term bicycle parking spaces are provided within an automated system in the parking garages. The automated system includes automated bicycle parking platforms accessed from a lockable/access restricted parking bay.

<u>Bicycle Parking Dimensions</u>. SRC 806.060(c) requires bicycle parking spaces to be a minimum of 2 feet in width (min. 1.5 ft when spaces are located side-by-side) by 6 feet in length and served by a minimum 4-foot-wide access aisle. When bicycle parking spaces are located adjacent to a wall, a minimum clearance of two feet is required between the bike rack and the wall.

As shown on the site plan, the proposed bike parking spaces included within the

development meet the minimum required bike parking dimension, access aisle, and clearance requirements of SRC 806.060(c).

<u>Bicycle Parking Area Surfacing</u>. SRC 806.060(d) requires bicycle parking spaces located outside a building to consist of a hard surface material meeting the Public Works Design Standards. As shown on the site plan, the proposed bike parking spaces will be located on a paved area in conformance with this standard.

<u>Bicycle Racks</u>. SRC 806.060(e) establishes requirements for bicycle racks. Based upon these standards, bicycle racks are required to:

- Support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components;
- Allow the bicycle frame and at least one wheel to be locked to the rack with a high security U-shaped shackle lock;
- Be of a material that resists, cutting, rusting, and bending or deformation; and
- Be securely anchored.

As shown on the site plan and building floor plans, proposed short-term bicycle parking spaces will be accommodated by staple-style racks and long-term bicycle parking spaces will be accommodated by stacking horizontal racks within an automated system in the parking garages. The proposed racks are designed to support the bicycle frame in a stable position and allow the bicycle frame and at least one wheel to be locked to the rack with a high security U-shaped shackle lock. The proposed development conforms to this standard.

Off-Street Loading Areas (SRC 806.075):

Minimum off-street loading requirements are established under SRC 806.075, Table 806-11. The minimum loading requirement for the proposed development is as follows:

Minimum Required Loading				
Use		Min. Required Spaces	Dimensions	
Multiple Family	200 or more dwelling units	3	12 ft. W x 19 ft. L x 12 ft. H	
Retail Sales & Service	5,000 to 60,000 sq. ft.	1	12 ft. W x 30 ft. L x 14 ft. H	
Office	5,000 ft. ² to 60,000 ft. ²	1	12 ft. W x 19 ft. L x 12 ft. H	

As identified in the applicant's written statement and shown on the site plan, a minimum total of five loading spaces are required for the proposed development. Three 12-foot by 19-foot loading spaces are provided on-site for the multiple family portion of the development. These spaces are located along the Market Street Entrance and the Belmont Alley. A 12-foot by 30-foot loading space is provided in front of the Food Hall.

The office space is not anticipated to require a delivery vehicle that exceeds a maximum combined vehicle and load rating of 8,000 pounds; therefore, an off-street parking space will be utilized for the additional 12-foot by 19-foot loading space reducing. The proposed development conforms to this standard.

SRC Chapter 601 – Floodplain Overlay Zone

Development within the floodplain shall be regulated to preserve and maintain conveyance of flood water discharges and to minimize danger to life and property.

The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain and floodway. A portion of the subject property was removed from the AE floodplain through a Letter of Map Revision (LOMR), approved by FEMA and effective May 30, 2024 (LOMR Case No. 24-10-0325A). Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. The new structures are not being constructed within the revised floodplain area; however, there are two existing structures located on the subject property that will be repurposed and remain located within the regulated AE flood zone area.

Pursuant to SRC 601.075, when a structure is improved and meets the "Substantial Improvement" definition in SRC Chapter 601.005, the structure must comply with the floodplain development standards in SRC Chapter 601. At time of building permit, the application will be evaluated to determine if the proposed improvements to existing structures in the floodplain meet the definition of "Substantial Improvement". If the definition of "Substantial Improvement" in SRC Chapter 601.005 is met, the applicant shall submit an elevation certificate for the existing structure confirming existing finish floor elevations. Any necessary modifications to the existing structures shall be made to comply with the floodplain development requirements in SRC Chapter 601. To ensure compliance with SRC Chapter 601, the following condition is recommended:

Condition 31: If improvements to existing structures located within the regulated AE flood zone are proposed which meet the definition of "substantial improvement" under SRC 601.005, the proposed improvements shall include modifications to meet the floodplain development standards in SRC Chapter 601.

SRC Chapter 808 (Preservation of Trees & Vegetation)

There are existing trees on the property, including trees within the riparian corridor of the Willamette River. The City's tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

The tree preservation ordinance (SRC Chapter 808) protects:

1) Heritage Trees;

- 2) Significant Trees (including Oregon White Oaks with diameter-at-breast-height (dbh) of 20 inches or greater and any other tree with a dbh of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
- 3) Trees and native vegetation in riparian corridors; and
- 4) Trees on lots or parcels 20,000 square feet or greater.

Pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with land division proposals for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. Because the proposed subdivision does not involve lots that will be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters, a tree conservation plan is not required in conjunction with the proposed subdivision and the development must otherwise comply with the tree preservation requirements of SRC 808.015, which requires the preservation of significant trees, and SRC 808.020, which requires the preservation of trees and native vegetation within riparian corridors.

As discussed in the applicant's written statement and identified on the proposed tree preservation and removal plan, there are five existing trees on the property that are proposed for removal in order to accommodate construction of the proposed Willamette Greenway path through the property. In addition, 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. 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.

Pursuant to SRC 808.030(a)(2)(G), a tree and vegetation removal permit is not required for the removal of trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 when the removal is necessary for public trail or public park development and maintenance. Because the trees and native vegetation identified for removal is necessary in order to construct the proposed Willamette Greenway path on the site, which is a public trail identified in both the City's Transportation System Plan and Comprehensive Parks System Master Plan, a removal permit is not required.

SRC Chapter 809 (Wetlands):

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The Salem-Keizer Local Wetland Inventory shows that there are linear wetland channels, the Willamette River and Mill Creek, mapped on and adjacent to the property. The applicant

WGP-SUB-SPR-ADJ-DAP24-01 Staff Report September 25, 2024 Page 74

is advised to contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way.

Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. In response to the required Wetlands Notice, DSL indicated that there may be jurisdictional wetlands on the subject property that are impacted by the proposed development. DSL requires a Wetlands Delineation in order to determine if a State-Removal Permit is required for the proposed development. The DSL response also indicates that a Federal Permit from the Army Corps of Engineers may be required for work within the waterways of Mill Creek or the Willamette River. As a condition of approval, the applicant shall demonstrate they have performed a wetlands delineation for the property and obtained DSL Concurrence for the findings within the wetlands delineation. The applicant shall obtain any necessary State and Federal Permitting prior to any ground disturbing activity on the subject property in order to minimize the impacts of development on jurisdictional wetlands and waterways.

SRC Chapter 810 (Landslide Hazards)

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), the subject property is mapped with areas of two landslide hazard susceptibility points. The proposed activity of a commercial building permit adds three activity points to the proposal, which results in a total of five points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers and dated March 24, 2023, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing geotechnical considerations listed within the report.

SRC 220.005(f)(3)(B): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: The subject property has frontage on Front Street NE, which is designated as a minor arterial street under the City's Transportation System Plan. Recommended improvements to the transportation system are discussed in the preceding analysis for the proposed tentative subdivision plan. Staff recommends that the subdivision conditions be satisfied before building permits are issued, as transportation improvements are conditioned on the subdivision application to serve the proposed development. With the recommended conditions of approval for the proposed subdivision, this approval criterion is met and the proposed transportation system will provide for the safe, orderly, and efficient circulation of traffic into and out of the proposed development.

SRC 220.005(f)(3)(C): Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: The proposal includes three new driveway approaches onto Front Stret NE that provide vehicular access to the development. New sidewalks are provided along Front Street NE, where none currently exist, and sidewalks will be provided internal to the development. With recommended conditions of approval for the subdivision that establish improvement to Front Street NE and the existing railroad line, the driveway accesses onto Front Street NE will provides for safe turning movements into and out of the property. In addition, to ensure vehicle and pedestrian conflicts are reduced, staff recommends a condition of approval that requires stop signs and stop bars behind the Front Street NE sidewalk at each of the three (3) new driveway approaches serving the site. This condition will ensure that driveways facilitate safe and efficient movement of vehicles and limit conflicts with pedestrian and bicycles using adjacent facilities. Staff recommends the following condition of approval to ensure compliance with SRC 220.005(f)(3)(C):

Condition 32: The applicant shall provide a stop sign and stop bar behind the Front Street NE sidewalk at the driveway approaches serving the development site in accordance with Public Works Design Standards.

The proposed development, as recommended to be conditioned, conforms to this approval criterion.

SRC 220.005(f)(3)(D): The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The Development Services Division reviewed the proposal and determined that subsequent to the construction of City infrastructure required to serve the proposed subdivision as recommended to be conditioned under Section 7 of this report, water, sewer, and stormwater facilities will be adequate to serve the proposed development and this approval criterion will be met.

9. Analysis of Class 1 Adjustment Approval Criteria

The purpose of the Adjustment Chapter of the City's development code is to provide a process to allow deviations from the development standards of the Salem Revised Code (SRC) for developments that, while not meeting the standards of the code, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the code and provide flexibility to allow reasonable development of property where special conditions or unusual circumstances exist. Pursuant to SRC 250.005(a)(1)(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.

Salem Revised Code (SRC) 250.005(d)(1) sets forth the following criteria that must be met before approval can be granted to an application for a Class 1 Adjustment. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings

WGP-SUB-SPR-ADJ-DAP24-01 Staff Report September 25, 2024 Page 76

of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(1)(A): The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Clearly satisfied by the proposed development.

Finding: The applicant has requested seven Class 1 Adjustments in conjunction with the proposed development. The adjustments include:

- a) An Increase to the maximum allowed building height for proposed Buildings 1, 2, and 3 from 70 feet to 74 feet, as required under SRC 536.015(d);
- b) A reduction to the minimum required amount of ground floor windows on building facades along the riverfront from 65 percent to approximately 60 percent for Building 1, 56 percent for Building 2, and 52 percent for Building 3, as required under SRC 536.015(g); and
- c) A reduction to the driveway spacing between the proposed driveway approaches at the Gaines Street Entrance and the Market Street Entrance to less than the minimum 370 feet required under SRC 804.035(d).

Building Height (SRC 536.015(d)):

The applicant has requested a Class 1 Adjustment to SRC 536.015(d) to increase the maximum allowed building height for proposed Buildings 1, 2, and 3 from 70 feet to 74 feet.

As indicated in the written statement provided by the applicant, the MU-R zoning district establishes minimum and maximum building height standards. Building height standards are commonly implemented to achieve a specific urban aesthetic regarding building mass and bulk; to achieve targets for housing, employment, and retail density; to ensure adequate light and air circulation; and to ensure compatibility with development in adjacent zones. Buildings 1, 2, and 3 have been designed consistently with the planned character of the neighborhood, accommodate a mix of needed housing and retail uses, will promote adequate air and light circulation on-site and on abutting properties, and will be compatible with adjacent development.

The requested adjustment seeks only minor relief (4 feet above the standard maximum height allowed) to accommodate an attractive sloped mansard roof at the top floor. The marginal height adjustment necessary for this architectural style, which will be imperceptible to pedestrians, minimizes visual impact at ground level, ensuring that the ground level remains pedestrian-friendly and aesthetically pleasing. Incorporating a sloped roof in conjunction with the height increase enhances the building's design and inherently reduces the mass at the top, mitigating the visual bulk of the structure. The purpose of this standard is satisfied.

Staff concurs with the findings included in the applicant's written statement. The underlying purpose of maximum building height standards is to shape urban, provide for light and air, and minimize impact to adjacent properties. The maximum allowed building height of the

MU-R zone is 70 feet. The proposed small increase of four additional feet in building height does not represent a substantial change to the maximum height that is already allowed and, as the applicant indicates, will be barely perceptible from the ground or adjacent properties. The requested adjustment therefore clearly satisfies the underlying purpose of the standard. This approval criterion is met.

Ground Floor Windows along Riverfront (SRC 536.015(g)):

The applicant has requested a Class 1 Adjustment to SRC 536.015(g) to reduce the minimum required amount of ground floor windows on building facades along the riverfront from 65 percent to approximately 60 percent for Building 1, 56 percent for Building 2, and 52 percent for Building 3.

As indicated in the written statement provided by the applicant, the MU-R zone includes a variety of pedestrian-oriented building design standards, such as this minimum glazing requirement, that are commonly utilized to increase architectural variety among new buildings and to enhance the pedestrian experience by creating active and engaging streetscapes. Planned ground floor uses along Front Street NE within Buildings 1, 2, and 3 are anticipated to comprise a mix of retail, office, and related commercial uses. These building facades exceed the minimum glazing required. Residential uses are planned at the ground floor along the riverside of Buildings 1, 2, and 3. While these ground floor building facades satisfy other applicable architectural design standards, an adjustment to the minimum glazing area is required for the west-facing facade to promote livability and some degree of privacy for the future residents of these homes. As above, where ground floor windows are intended to promote window shopping and pedestrian engagement in a commercial context, that same engagement negatively impacts the experience for residential users. Similarly, the SRC acknowledges that there is a difference in the way pedestrians interact with residential uses, as compared to non-residential uses, as evidenced by requiring a lesser amount of weather protection for ground floor residential uses than for non-residential uses. For these reasons, the City can find that this criterion is clearly inapplicable in the planned residential context.

The underlying purpose of the minimum ground floor window standard is to encourage inviting and engaging active pedestrian environments, avoid monotonous blank walls, enhance natural light, and improve the overall aesthetics of budlings. In this case, the requested adjustments to the minimum percentage of required ground floor windows facing the riverfront for Buildings 1, 2, and 3 is relatively small, allows for the provision of a reasonable amount of additional privacy while still maintain an attractive and inviting appearance. The requested adjustment therefore satisfies the underlying purpose of the standard and this approval criterion is met.

Driveway Approach Spacing (SRC 804.035(d)):

The applicant has requested a Class 1 Adjustment to SRC 804.035(d) to reduce the driveway spacing between the proposed driveway approaches at the Gaines Street Entrance and the Market Street Entrance from the minimum required 370 feet to approximately 332 feet.

As indicated in the written statement provided by the applicant, the purpose of SRC Chapter 804 is to establish development standards for safe and efficient access to public streets. Minimum driveway spacing standards can minimize conflicts between vehicles entering or exiting properties. Each of the three driveways to the site are necessary and strategically located to facilitate safe and efficient traffic flow throughout the site. The Market Street Entrance and the Gaines Street Entrance are aligned with existing public street intersections located at Market Street/Front Street NE and Gaines Street/Front Street NE. The spacing of these existing intersections does not meet the spacing requirements for driveways; however, aligning driveways with the existing street network where possible is standard practice and promotes streamlined traffic flow and heightened safety. Therefore, the Market Street and Gaines Street Entrances cannot be relocated further apart to meet this standard while still meeting the purpose. Belmont Alley provides the additional circulation necessary to provide safe and efficient access through the site. The purpose of this standard is met.

Staff concurs with the findings included in the applicant's written statement. The underlying purpose of the minimum driveway spacing standard it to enhance safety, traffic flow, accessibility, and visibility; and to reduce vehicle conflicts. The driveway approaches are sited in a way that creates uniform intersections with both Market Stret NE and Gaines Street NE. By aligning the driveway approaches at the intersections, the driveways are not off-set from each other, which can increase vehicle turning conflicts. The Assistant City Traffic Engineer has reviewed the site plan and recommends the driveway approaches be sited to create uniform intersections, even though the spacing standards are not satisfied, in order to minimize vehicle turning movement conflicts. As such, the underlying purpose of this standard is satisfied and this approval criterion is therefore met.

SRC 250.005(d)(1)(B): The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Finding: The subject property is located within a mixed-use zone in an area with a modest variety of uses. The adjustments that have been requested in conjunction with the proposal are the minimum necessary to allow the otherwise intended use and development of the mixed-use zoned property; and the effect on surrounding users, both now and in the future, as a result of a slightly reduced spacing on Front Street NE between driveways serving the site, three slightly taller buildings, and a small reduction in the amount of ground floor windows along the riverside facade of Buildings 1, 2, and 3, will be imperceptible and are not expected to result in any negative impacts. This approval criterion is met.

10. Analysis of Class 2 Adjustment Approval Criteria

The purpose of the Adjustment Chapter of the City's development code is to provide a process to allow deviations from the development standards of the Salem Revised Code (SRC) for developments that, while not meeting the standards of the code, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the code and provide flexibility to allow reasonable development of property where special conditions or unusual circumstances exist. Pursuant to SRC 250.005(a)(1)(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 that increases or decreases the standard by more than 20 percent.

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(2)(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.

Finding: The applicant has requested nine Class 2 Adjustments in conjunction with the proposed development. The adjustments include:

- a) Elimination of the minimum 5-foot landscape setback for parking and vehicle use areas abutting interior property lines required SRC 536.015(c);
- b) Elimination of the minimum 5-foot landscape setback for parking garages abutting interior property lines required under SRC 806.035(c)(5);
- c) A reduction to the minimum percentage of off-street parking spaces designated for carpool or vanpool parking from 5 percent, as required under SRC 806.015(c), to 0 percent;
- d) Allowing two of the proposed off-street loading spaces within the development to be located within a driveway;
- e) Deviation from solid the waste receptacle and compactor placement standards of SRC 800.055(b)&(c) by reducing the minimum required separation of trash receptacles and compactors from adjacent walls and reducing the minimum required pad area extending from the rear of the receptacles and compactors;
- f) Deviation from solid the waste service area standards of SRC 800.055(f) by reducing the minimum required vehicle operation area and turning radius dimensional requirements for the solid waste service area of the proposed Food Hall building;
- g) A reduction to the driveway spacing between the proposed driveway approaches at the Belmont Alley and the Market Street Entrance to less than the minimum 370 feet required under SRC 804.035(d);
- h) Allowance of an alternative vision clearance area standard, pursuant to SRC 805.015, for the proposed driveway approach at the Market Street Entrance; and
- i) Allowance of an alternative vision clearance area standard, pursuant to SRC 805.015, for the proposed driveway approach at the Belmont Alley;

Parking and Vehicle Use Area Setback Abutting Interior Property Lines (SRC 536.015(c)):

The applicant has requested a Class 2 Adjustment to SRC 536.015(c) to eliminate the minimum 5-foot landscape setback for parking and vehicle use areas abutting interior property lines.

As indicated in the written statement provided by the applicant, 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.

Staff concurs with the findings included in the applicant's written statement. One of the primary underlying purposes of the minimum 5-foot-wide parking and vehicle use area setback from interior property lines is to provide a buffer between parking lots and abutting properties. In the case of the proposed development, the entire development site is intended to function as a mixed-use neighborhood and, as such, the need for landscape strip buffers between abutting lots is reduced. In addition, the configuration of the proposed subdivision with Buildings 1, 2, and 3 being on their own separate lots abutting the parking and vehicle use areas on Lot 4 creates a situation where the required landscape setback is only required based on where the lot lines have been proposed. If instead the property was developed in its current proposed layout without the internal lot lines, the 5-foot setback would no longer be required and the only separation that would be applicable would be either a 5-foot-wide landscape strip of 5-foot-wide paved pedestrian path between the buildings and any parking and vehicle use areas on site. This approval criterion is met.

Parking Garages Setback Abutting Interior Property Lines (SRC 806.035(c)(5));

The applicant has requested a Class 2 Adjustment to SRC 806.035(c)(5) to eliminate the minimum 5-foot landscape setback required for parking garages abutting interior property lines.

As indicated in the written statement provided from the applicant, 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 approximately 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 approximately 22 feet of the building would decrease the space provided for pedestrian access and create an inconsistent frontage of the buildings.

Staff concurs with the findings included in the applicant's written statement. The underlying purpose of the perimeter parking garage setback abutting interior property lines is buffer the parking garage from abutting properties. However, as the applicant indicates, the entire site is being developed as one mixed-use community where a need for buffers is minimized

and an approximate 22-foot-long landscape strip along a relatively small portion of the remained of the building will provide little benefit. This approval criterion is met.

Carpool & Vanpool Parking (SRC 806.015(c)):

The applicant has requested a Class 2 Adjustment to SRC 806.015(c) to reduce the minimum percentage of off-street parking spaces designated for carpool or vanpool parking from 5 percent, as required under, to 0 percent.

As indicated in the written statement provided by the applicant, requirements for designated carpool or vanpool parking spaces generally aim to encourage and support shared transportation modes, reduce individual vehicle trips, alleviate parking demand, and promote efficient use of parking resources. Per SRC 806.015(c), "New developments with 60 or more off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking." The Cannery is a mixed-use neighborhood that will include 382 multiple family homes and approximately 48,920 square feet of flexible commercial space (retail, eating and drinking establishments, and office). Only approximately 12 percent of the commercial space (approximately 5,880 square feet) is anticipated to be used for offices. The primary use of the site is not centered around activities that would require designated carpool or vanpool parking. This standard is clearly inapplicable. Furthermore, as a mixeduse neighborhood, The Cannery promotes less dependence on individual vehicle trips through the development of a walkable community where residents can live, work, and engage in social and recreational activities. The Cannery also utilizes an automated parking system which reduces the parking footprint and makes more efficient use of parking resources. The purpose of this standard is better met with the Applicant's plan.

As indicated by the applicant, the underlying purpose of this standard is to support shared transportation, reduced individual vehicle trips, and alleviate parking demand. Because the amount of proposed office space within the development is small compared to the amount of other commercial use that will be included, the likely demand for carpool and vanpool parking will be correspondingly low. As such, if the demand for such spaces will be low, the number of spaces provided can be adjusted accordingly to match or equally meet the underlying purpose. This approval criterion is met.

Off-Street Loading Space Location (SRC 806.080):

A Class 2 Adjustment has been requested to the off-street loading area standards of SRC 806.080 to allow two of the proposed off-street loading spaces within the development to be located within a driveway.

The underlying purpose of the off-street loading standards is to provide for designated space on a development site for deliveries to be conveniently made without obstructing the rest of the site. As shown on the proposed site plan there two loading areas on the site that are proposed to be located within the vehicle circulation areas of the site. The first is located within the Belmont Alley and the second is located within the intersection the Belmont Alley and the parking lot drive aisle to the west.

The applicant indicates that the loading spaces on the site will be scheduled and coned off by the site operator when necessary and that with the loading spaces being managed by the site operator, the safe operation of a delivery vehicle and other site users will be achieved. With the active management of the loading spaces on the site by a site manager, potential adverse impacts to the function of the site can be minimized and potential conflicts reduced; thereby meeting the underlying purpose of the standard to provide loading space that is convenient for deliveries and not impactful to the function of the site. This approval criterion is met.

Solid Waste Receptacle & Compactor Placement Standards (SRC 800.055(b)&(c)):

The applicant has requested a Class 2 Adjustment to SRC 800.055(b)&(c) to reduce the minimum required separation of trash receptacles and compactors from adjacent walls and reducing the minimum required pad area extending from the rear of the receptacles and compactors.

As indicated in the applicant's written statement, the purpose of the solid waste placement standards is to ensure safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee. The solid waste service area standards are based on concepts that are not practicable for, and do not anticipate the unique conditions of high-density infill development such as The Cannery. The solid waste service areas shown on the site and the building floor plans and elevations are preliminary. The applicant has consulted with Republic Services on the planned design for solid waste service on the site and Republic Services has consented to the planned approach. Final design and plans for the solid waste service will be based on the agreed approach. These standards will be equally met. This criterion is met.

Solid Waste Service Area Vehicle Operation Area Standards (SRC 800.055(f)):

The applicant has requested a Class 2 Adjustment to SRC 800.055(f) to reduce the minimum required vehicle operation area and turning radius dimensional requirements for the solid waste service area of the proposed Food Hall building.

As indicated in the applicant's written statement, the purpose of the solid waste service area standards is to ensure safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee. The solid waste service area standards are based on concepts that are not practicable for, and do not anticipate the unique conditions of high-density infill development such as The Cannery. The solid waste service areas shown on the site plan and the building elevations and floor plans are preliminary. The applicant has consulted with Republic Services on the planned design for solid waste service on the site and Republic Services has consented to the planned approach. Final design and plans for the solid waste service will be based on the agreed approach. These standards will be equally met. This criterion is met.

<u>Driveway Approach Spacing (SRC 804.035(d)):</u>

The applicant has requested a Class 2 Adjustment to SRC 804.035(d) to reduce the

driveway spacing between the proposed driveway approaches at the Belmont Alley and the Market Street Entrance from the minimum required 370 feet to approximately 260 feet.

As indicated in the applicant's written statement, the purpose of SRC Chapter 804 is to establish development standards for safe and efficient access to public streets. Minimum driveway spacing standards can minimize conflicts between vehicles entering or exiting properties. Each of the three driveways to the site are necessary and strategically located to facilitate safe and efficient traffic flow throughout the site. The Market Street Entrance is aligned with the existing intersection of Market Street with Front Street NE. Aligning driveways with the existing street network where possible is a standard engineering practice that promotes streamlined traffic flow and improves safety. An additional access point to the site, Belmont Alley, is necessary for efficient access to public streets. Belmont Alley is placed as far from the Market Street Entrance as practicable. Therefore, the Market Street Entrance and Belmont Alley cannot be relocated further apart to meet this standard while still meeting the purpose of providing convenient access and egress for pedestrians and vehicles.

Staff concurs with the findings include in the applicant's written statement. The underlying purpose of the minimum driveway spacing standard it to enhance safety, traffic flow, accessibility, and visibility; and to reduce vehicle conflicts. The driveway approaches serving the site are placed in a way to create uniform intersections with public streets on the opposite side of Front Street NE. The Assistant City Traffic Engineer has reviewed the site plan and recommends the driveway approaches be sited to create uniform intersections, even though the spacing standards are not satisfied, in order to minimize vehicle turning movement conflicts. The intent of the spacing standard is to reduce vehicle conflicts for movements onto Arterial Streets. The proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard. This approval criterion is met.

<u>Alternative Vision Clearance Standard for Market Street Entrance Driveway</u> <u>Approach (SRC 805.015):</u>

The applicant has requested approval of an alternative vision clearance standard, pursuant to SRC 805.015, for the Market Street Entrance driveway approach.

SRC Chapter 805 (Vision Clearance), specifically, pursuant to SRC 805.015, identifies the Class 2 Adjustment as the applicable application for reviewing proposals where the vision clearance requirements of SRC Chapter 805 cannot be met.

SRC 805.015 provides that 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.

The purpose of the City's vision clearance chapter and the standards within it are to ensure clear and unobstructed visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, and driveways. As provided under SRC 805.015, the alternative vision clearance standards section of the vision clearance chapter recognizes there are instances when a proposed driveway approach may not be able to meet the specific standards of the chapter and accordingly provides a method to allow for deviation from the standards when an alternative driveway approach configuration is proposed that can be found to be safe and consistent with recognized traffic engineering standards.

As indicated in the applicant's written statement, the proposed Market Street Entrance does not meet the vision clearance standards of SRC Chapter 805. As such, an alternative vision clearance area standard is 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 and buildings placed at the property line, the sidewalk along the stretch of Front Street where drivers will be leaving the site from the Market Street Entrance, and due to the need to see past vehicles parked on the street. At a location closer to the intersection of the vehicle travel lanes of the driveway and Front St NE, vision clearance will be unobstructed. This criterion can be met.

The intent of vision clearance standards is to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways. Standards typically require a 10-by-50-foot vision clearance area for a driveway approach serving a commercial use (SRC 805.005(b)(1)(B)). However, SRC 805.015 allows alternative vision clearance standards when the proposal clearly satisfies the purpose of the standard. The applicant proposes an alternative vision clearance standard to allow a 10-by-10-foot vision clearance area for the driveway at the Market Street Entrance approach. The applicant's Traffic Impact Analysis (TIA) establishes that adequate stopping sight distance for vehicles is provided at the approach and the applicants proposal satisfies the intent of the development standard. Under the Site Plan Review approval criteria, staff recommends that the applicant provide a stop sign and stop bar behind the sidewalk in Front Street NE to ensure vehicles stop before entering the sidewalk, to ensure adequate virility is provided. The proposed adjustment equally meets the intent of the development standard by ensuring adequate sight distance is provided for the driveway approach. subject to the recommended condition of approval requiring signage and striping at the entrance. This approval criterion is met.

<u>Alternative Vision Clearance Area Standard for Belmont Alley Driveway Approach (SRC 805.015):</u>

The applicant has requested approval of an alternative vision clearance standard, pursuant to SRC 805.015, for the Belmont Alley driveway approach.

SRC Chapter 805 (Vision Clearance), specifically, pursuant to SRC 805.015, identifies the Class 2 Adjustment as the applicable application for reviewing proposals where the vision clearance requirements of SRC Chapter 805 cannot be met.

SRC 805.015 provides that alternative vision clearance standards that satisfy the purpose

WGP-SUB-SPR-ADJ-DAP24-01 Staff Report September 25, 2024 Page 85

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.

The purpose of the City's vision clearance chapter and the standards within it are to ensure clear and unobstructed visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, and driveways. As provided under SRC 805.015, the alternative vision clearance standards section of the vision clearance chapter recognizes there are instances when a proposed driveway approach may not be able to meet the specific standards of the chapter and accordingly provides a method to allow for deviation from the standards when an alternative driveway approach configuration is proposed that can be found to be safe and consistent with recognized traffic engineering standards.

Belmont Alley does not meet the vision clearance standards of SRC Chapter 805. As such, an alternative vision clearance area standard is 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 intent of vision clearance standards is to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways. Standards typically require a 10-by-50-foot vision clearance area for a driveway approach serving a commercial use (SRC 805.005(b)(1)(B)). However, SRC 805.015 allows alternative vision clearance standards when the proposal clearly satisfies the purpose of the standard. The applicant proposes an alternative vision clearance standard to allow a 10-by-10-foot vision clearance area for the driveway at the Belmont Alley driveway approach. The applicant's Traffic Impact Analysis (TIA) establishes that adequate stopping sight distance for vehicles is provided at the approach and the applicants proposal satisfies the intent of the development standard. Under the Site Plan Review approval criteria, staff recommends that the applicant provide a stop sign and stop bar behind the sidewalk in Front Street NE to ensure vehicles stop before entering the sidewalk, to ensure adequate virility is provided. The proposed adjustment equally meets the intent of the development standard by ensuring adequate sight distance is provided for the driveway approaches, subject to the recommended condition of approval requiring signage and striping at the entrance. This approval criterion is met.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is zoned MU-R. Pursuant to SRC 110.025, Table 110-1, the MU-R zone is a mixed-use zone rather than a residential zone. Because the subject property is not located within a residential zone, this approval criterion is not applicable to the proposed development.

SRC 250.005(d)(2)(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.

Finding: A total of nine Class 2 Adjustments have been requested in conjunction with the proposed development. Pursuant to SRC 536.001, the purpose of the MU-R zone is to identify allowed uses and establish development standards that promote pedestrian-oriented development in vibrant mixed-use districts, encourage a mix of compatible uses in multi-story buildings, and emphasize active commercial uses on ground floors facing major streets.

Although nine adjustments have been requested in conjunction with the proposed development, the cumulative effect of the adjustments does not result in a project that is inconsistent with the identified purpose of the zone. The proposed development a mixed-use neighborhood consisting of three, six-story, mixed-use buildings with a total of 382 dwelling units, ground floor commercial tenant space, second-story outdoor community open space and amenities, and ground floor and basement parking; a proposed food hall building, winery building, and general-purpose market space building; on-site surface parking; and pedestrian access throughout the site and along the Willamette River. The development in consistent with the purpose of the zone, to create a walkable, mixed-use area with access to the river. The adjustments requested are the minimum necessary to otherwise allow the site to be redeveloped for a use that is permitted in the zone. This approval criterion is met.

11. Analysis of Class 2 Driveway Approach Permit Approval Criteria

Pursuant to SRC 804.015, a driveway approach permit is required prior to constructing, relocating, reconstruction, enlarging, or altering any driveway approach. As shown on the applicant's site plan, the proposal includes the following three driveway approaches onto Front Street NE:

- a. Driveway Approach 1: Labeled as "Gaines Street Entrance" on the applicant's site plan;
- b. Driveway Approach 2: Labeled as "Market Street Entrance" on the applicant's site plan; and
- c. Driveway Approach 3: Labeled as "Belmont Alley" on the applicant's site plan.

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria in **bold**, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this

Chapter and the Public Works Design Standards.

Finding: The Development Services Division reviewed the proposed driveway approaches for conformance with the requirements of SRC Chapter 804 and provided comments indicating that the proposed driveway approaches meet the standards of SRC Chapter 804 and the Public Works Design Standards, with the exception of minimum required driveway spacing and vision clearance.

The applicant has requested a Class 1 Adjustment to reduce the minimum required driveway spacing between the proposed driveway approaches at the Gaines Street Entrance and the Market Street Entrance; a Class 2 Adjustment to reduce the minimum required driveway spacing between the proposed driveway approaches at the Belmont Alley and the Market Street Entrance; and Class 2 Adjustments to allow alternative vision clearance area standards for the proposed driveway approaches at the Market Street Entrance and the Belmont Alley. With approval of the requested adjustments, the proposed driveway approaches meet the standards of SRC Chapter 804 and the Public Works Design Standards (PWDS). This approval criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: The Development Services Division reviewed the proposed driveway locations and determined that no site conditions exist prohibiting the location of the proposed driveways. This approval criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The proposal includes three driveway approaches onto Front Street NE, which is classified as a minor arterial street under the Salem Transportation System Plan (TSP). The development site has more than 370-feet of frontage on an arterial street; as such, multiple driveway approaches are permitted through a Class 2 Driveway Approach Permit per SRC 804.035(a)(1)(A). The number of driveway approaches proposed are the minimum number of driveway approaches needed to serve the proposed development while at the same time providing for a series of vehicle access points to the site which reflect the spacing of the adjacent street network to the east of the property across Front Street NE which would otherwise extend into the subject property if internal streets were provided. In addition, the Traffic Impact Analysis provided by the applicant demonstrates that the proposed driveway approaches will provide safe circulation into and out of the development. This approval criterion is met.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

- (A) Is shared with an adjacent property; or
- (B) Takes access from the lowest classification of street abutting the property

Finding: The proposed development will be located on Lots 1 through 4 of the proposed subdivision. Upon recording of the final subdivision plat, Lots 1 through 4 will only have frontage on an arterial street, Front Street NE. Shared access through Lots 5 and 6 is not

proposed as development of those properties is unknown at this time. This approval criterion is met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The applicant has requested Class 2 Adjustments to the vision clearance standards for the driveway approaches at the Market Street Entrance and the Belmont Alley. The proposed driveway approach at the Gaines Street Entrance meets the vision clearance standards in SRC Chapter 805. With the approval of the requested Class 2 Adjustments to vision clearance standards for the Market Street Entrance and the Belmont Alley, each of the proposed driveway approaches meet the vision clearance standards of SRC 805. This approval criterion is met.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: The Development Services Division reviewed the proposed driveway approaches for conformance with the requirements of SRC Chapter 804 and indicated that with the recommended conditions of approval requiring improvements along Front Street NE to address railroad safety concerns and the conditions of approval requiring signage and striping, the proposed driveway approaches will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This approval criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: The Development Services Division reviewed the proposed driveway approaches. Their analysis of the proposed driveway approaches and the evidence that has been submitted indicate that the location of the proposed driveway approaches will not have any adverse impacts to the adjacent properties or streets. This approval criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The proposed driveway approaches are located on a minor arterial street and minimize the impact to adjacent streets and intersections by creating uniform intersections with streets on the opposite of Front Street NE. The driveway approaches in their proposed locations, together with the recommended conditions of approval in this report relating to boundary streets improvements along Front Street NE addressing railroad safety concerns, will minimize the impacts to the functionality of adjacent streets and intersections. This approval criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The subject property is zoned MU-R (Mixed-Use Riverfront). The proposed driveway approaches are not located in the vicinity of a residentially zoned area and will not have an adverse impact on the functionality of adjacent streets. This approval criterion is met.

RECOMMENDATION

Based upon the Facts and Findings contained in the staff report, staff recommends that the Hearings Officer adopt the facts and findings of the report and take the following actions for the subject property located in the 1100 to 1400 Blocks of Front Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22AB00300, 073W22AB00600, and 073W22AB00900).

- A. **APPROVE** the Class 2 Willamette Greenway Development Permit subject to the following conditions of approval:
- **Condition 1:** The colors for Buildings 3 and 5 shall be from within the green and/or brown color palettes.
- Condition 2: The applicant shall construct the Riverfront Path as a 10-foot-wide multi-use path in a 15-foot-wide easement through the proposed development as shown on the applicant's site plan. The path shall be constructed in accordance with the Public Works Design Standards.
- **Condition 3:** 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.
- **Condition 4:** 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.
- B. **APPROVE** the Tentative Subdivision Plan subject to the following conditions of approval:
- **Condition 5:** Prior to final plat approval, obtain a demolition permit and remove any existing buildings on the site that are identified for removal on the onsite demolition plan and located over a new proposed lot line.
- **Condition 6:** Prior to final plat approval, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 7: At the time of development on each lot, design and construct a storm drainage system in general compliance with Salem Revised Code Chapter 71 and the Public Works Design Standards.
- **Condition 8:** Prior to final plat approval or delayed pursuant to an improvement agreement

per SRC 205.035(c)(7)(B), construct a private sanitary sewer collection system internal to the development to serve Lots 1 through 4, pursuant to SRC 802.040, and provide an easement and agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is approved by the Public Works Director.

Condition 9:

Prior to final plat approval, the applicant shall either demonstrate the properties can be served with the private sanitary system extending from the Market Street entrance internal to the development or extend a new 8-inch public sanitary sewer main in Front Street NE from the intersection of Front Street NE to the Belmont Alley Entrance in accordance with the *Public Works Design Standards*.

Condition 10:

If approved by the Public Works Director, the applicant shall, at the time of development Lot Lots 5 or 6, convert the exiting public main within Lots 5 and 6 to a private collection system, pursuant to SRC 802.040, and provide an easement and agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is required by the Public Works Director.

Condition 11:

Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall relocate public stormwater mains that are located on the subject property that conflict with development on the subject property, in an alignment approved by the Public Works Director and constructed in accordance with the Public Works Design Standards.

Condition 12:

Prior to final plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

Condition 13:

Prior to final plat approval, dedicate easements for all existing and proposed public utility (water, sewer, stormwater) infrastructure on the site to current standards in Public Works Design Standards Section 1.8 (Easements).

Condition 14:

At time of development on lot 6, boundary street improvements along Shipping Street NE shall be constructed and shall comply with SRC Chapter 803 and the *Public Works Design Standards*. Specific requirements for the improvements shall be determined at time of Site Plan Review.

Condition 15:

Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall design and construct street improvements along Front Street NE. The required improvements shall consist of one of the following options. The final design shall be approved by the Public Works Director, the Portland and Western Railroad (PNWR), the Burlington-Northern Santa Fe Railroad (BNSF), and documented with an ODOT Rail Crossing Order. If the final design is not in substantial conformance with the options listed below, the applicant shall submit a modification to the Tentative Subdivision Plan and Site Plan Review approvals.

- a) Option 1 (Half-Street Improvement with Right-in/Right-out only Movement). The improvement shall be as shown in the preliminary concept for Option 1, as provided in **Attachment J**, and include:
 - Construct a half street improvement along Front Street NE from the Mill Creek Bridge northerly to Shipping Street NE. The improvements shall include a 13-foot-wide southbound travel lane; on-street parking; curbs, street lighting; and a 5-foot-wide sidewalk and/or a minimum 10foot-wide multi-use path.
 - Along the Portland and Western Railroad, construct an interim improvement along the west side of the tracks that includes a raised median along the entire property frontage from the Mill Creek bridge to Shipping Street NE. The raised median shall limit all access points to right-in/right-out only.
 - 3. Construct ADA crosswalks at the intersections of Market Street NE, Gaines Street NE, and Hood Street NE. The crosswalks shall include ADA accessible ramps on both sides of Front Street NE, Rapid Rectangular Flashing Beacons at each crossing, appropriate signing, and a fence placed on top of the raised median to control pedestrian crossing locations. The specific locations of the crossings shall be dependent upon the decision of BNSF to keep or remove the existing railroad spur line that is located between Hood Street NE and Gaines Street SE.
 - 4. All driveway approaches serving the site shall be limited to right-in/right-out movements; the applicant shall submit a revised and rescoped Traffic Impact Analysis evaluating the traffic movements that would be rerouted on the transportation system due to the driveways being limited to right-in/right-out movement; and any off-site mitigation identified within the revised and rescoped Traffic Impact Analysis, including those that affect any railroad crossings, shall be constructed.
- b) Option 2: (Full Street Improvement with Full Movement). The improvement shall be as shown in the preliminary concept for Option 2, as provided in **Attachment K**, and include:
 - 1. Construct a full width street improvement along both sides of Front Street NE from the Mill Creek bridge northerly to South Street NE as shown in preliminary concept plan.
 - 2. The full width street improvements include, but are not limited to:
 - a. Construct a full street improvement along both sides of Front Street NE including a 13-foot-wide travel lane in both directions, curb, bike lane, sidewalk and/or a multi-use path, on-street parking, and street lighting.
 - b. Along the Portland and Western Railroad, construct a raised median along both sides of the track from the Mill Creek bridge to South Street NE including railroad crossing arms at the public street intersections of Market Street NE, Gaines Street NE, Hood Street NE, and Norway Street NE as identified in the preliminary concept plan.
 - c. Construct ADA crosswalks at the intersections of Market Street

NE, Gaines Street NE, and Hood Street NE. The crosswalks shall include ADA accessible ramps on both sides of Front Street NE, Rapid Rectangular Flashing Beacons at each crossing, appropriate signing, and a fence placed on top of the raised medians to control pedestrian crossing locations. The specific locations of the crossings shall be dependent upon the decision of BNSF to keep or remove the existing railroad spur line that is located between Hood Street NE and Gaines Street NE.

- **Condition 16:** Prior to final plat approval, the applicant shall work directly with franchise utility companies and provide any easements necessary to serve the subdivision with franchise utility services.
- Condition 17: Prior to development on any lot, evidence shall be provided that any required State and/or Federal permits have been obtained relating to development adjacent to jurisdictional wetlands and waterways.
- **Condition 18:** Prior to submittal of building permits for any lot within the proposed subdivision, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- Condition 19: Prior to final plat approval or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), the applicant shall obtain an ODOT Rail Crossing Order and provide the TIA recommended signage to address queuing across the Portland & Western Railroad tracks on Front Street NE as it approaches OR 99E.
- C. **APPROVE** the Class 3 Site Plan Review subject to the following conditions of approval:
- **Condition 20:** The three proposed pedestrian paths/sidewalks identified on the site plan between Front Street NE and the Willamette River shall include at least three of the following features:
 - a) Incorporate visual contrast or tactile finish texture.
 - b) Be constructed with pavers, scored or colored concrete, and/or stamped asphalt.
 - c) Be elevated above parking areas and driveways by a height of 3 to 3.5 inches.
 - d) Be defined with landscaping or building features such as canopies, awnings, or arcades.
 - e) Provide active use frontages and/or entrances with overlooking windows, stoops, or terraces.
 - f) Provide pedestrian-level lighting.
- **Condition 21:** Public access easements shall be provided for the three proposed pedestrian paths/sidewalks identified on the site plan between Front Street NE and the Willamette River.

- Condition 22: Any mechanical equipment provided on the roofs of the proposed buildings, with the exception of solar panels and wind generators, shall be setback or screened so as to not be visible to a person standing at ground level 60 feet from the building.
- **Condition 23:** Prior to issuance of building permits for the mixed-use buildings located on proposed Lots 1, 2, and 3, the applicant shall obtain a Revocable License to Encroach into the right-of-way for the proposed balconies and awnings that project into the public right-of-way pursuant to SRC 76.160.
- Condition 24: Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- **Condition 25:** Prior to issuance of any City permits authorizing ground disturbing activity, the developer shall provide evidence of completed Archaeological Historic Clearance and completed consultation with the Tribes and the SHPO.
- **Condition 26:** All trash enclosure/collection areas shall conform to the solid waste service area standards of SRC 800.055, with the exception of those standards that have been approved for a Class 2 Adjustment.
- Condition 27: The proposed off-street parking spaces located adjacent to the north property line of proposed Lot 4 shall include either wheel stops or extended curbs to prevent vehicles from encroaching into the required abutting pedestrian connection.
- Condition 28: The final subdivision plat shall be recorded prior to issuance of any building permits, including permits for civil site work for proposed development on each lot. The final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, and Public Works permits.
- **Condition 29:** Prior to building permit approval for the proposed development, the site plan shall be revised to comply with the electric vehicle charging space requirements of SRC 806.015(d).
- **Condition 30:** Prior to building permit approval for the proposed development, the off-street parking spaces and associated parking lot drive aisles for the ground level parking garage spaces within Buildings 1, 2, and 3 shall be revised to conform to the dimensional requirements of SRC 806.035(e).
- Condition 31: If improvements to existing structures located within the regulated AE flood zone are proposed which meet the definition of "substantial improvement" under SRC 601.005, the proposed improvements shall include modifications to meet the floodplain development standards in SRC Chapter 601.
- **Condition 32:** The applicant shall provide a stop sign and stop bar behind the Front Street

WGP-SUB-SPR-ADJ-DAP24-01 Staff Report September 25, 2024 Page 94

NE sidewalk at the driveway approaches serving the development site in accordance with Public Works Design Standards.

- D. APPROVE the Class 1 Adjustment
- E. **APPROVE** the Class 2 Adjustment
- F. APPROVE the Class 2 Driveway Approach Permit

Attachments:

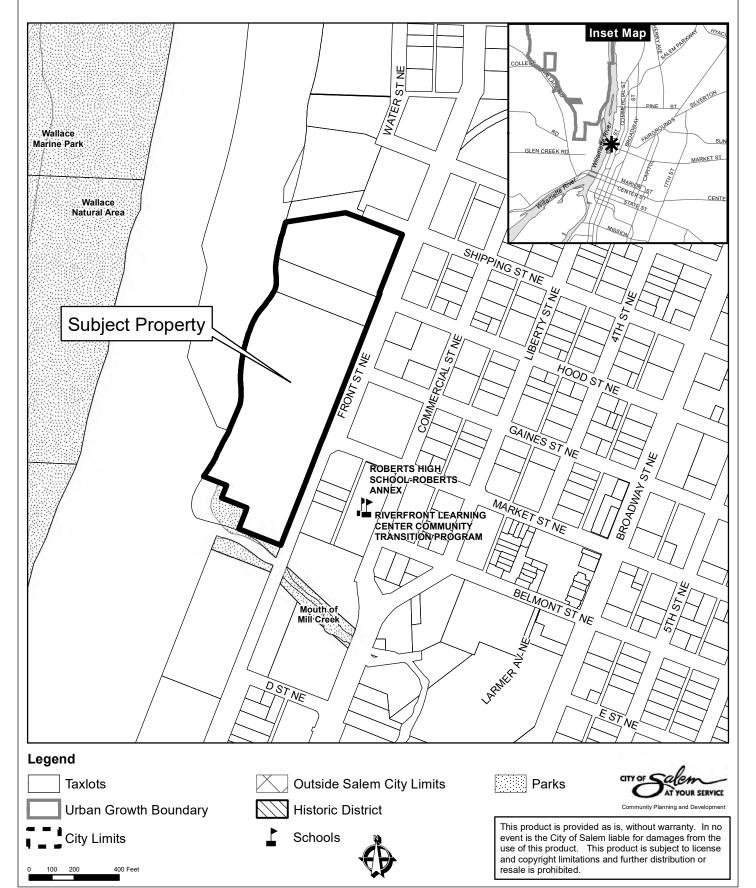
- A. Vicinity Map
- B. Tentative Subdivision Plan & Site Plans
- C. Landscape Plans
- D. Building Floor Plans & Elevations
- E. Grant Neighborhood Association Comments
- F. Public Comments
- G. Development Services Division Comments
- H. Salem-Keizer School District Comments
- I. Portland & Western Comments
- J. Front Street Concept Plan Option 1
- K. Front Street Concept Plan Option 2

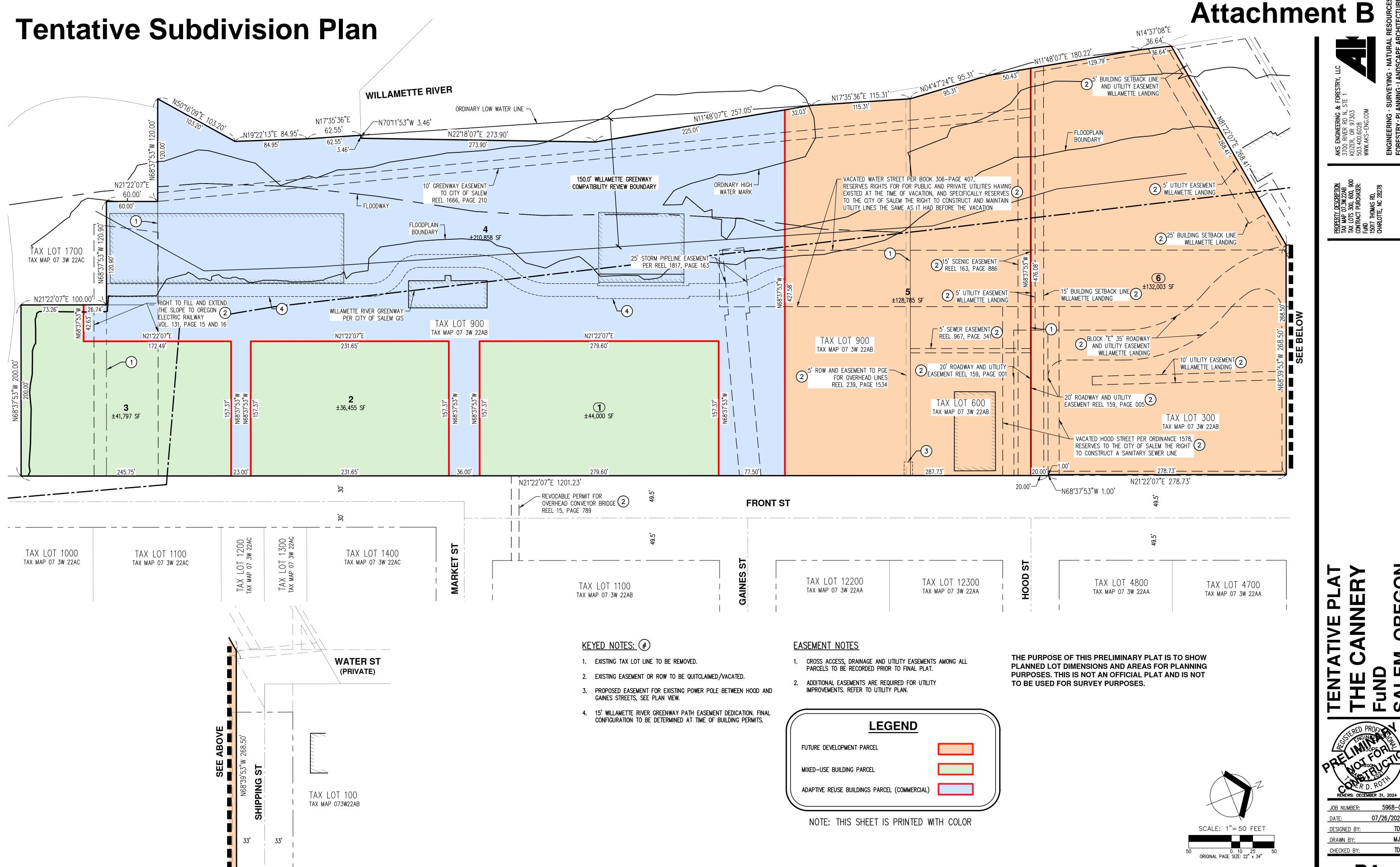
Prepared by Bryce Bishop, Planner III

G:\CD\PLANNING\Bryce\Current Planning\SPR - Class 3\2024\1105 Front Street NE\WGP-SUB-SPR-ADJ-DAP24-01.docx

Attachment A

Vicinity Map 1100 to 1400 Blocks of Front Street NE





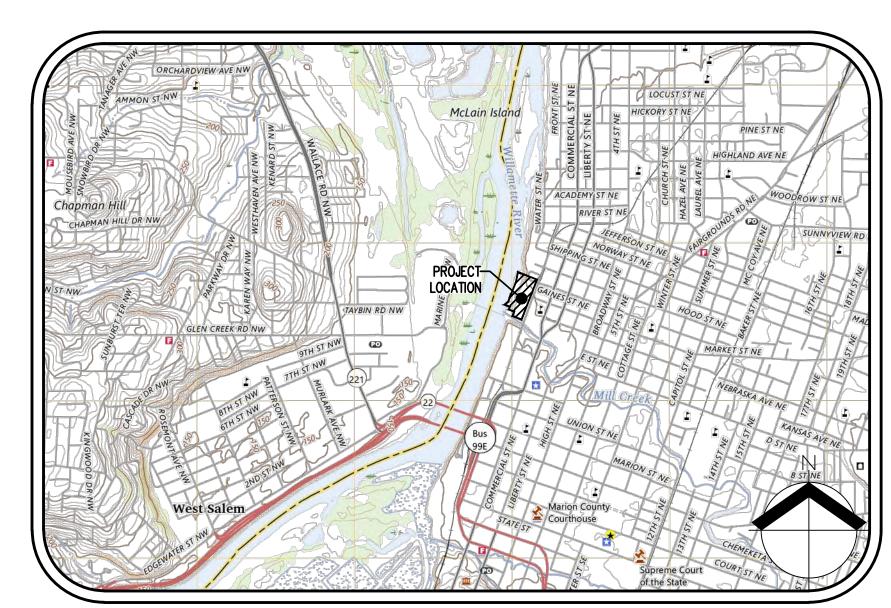
JOB NUMBER: 07/26/2024 DESIGNED BY:

DRAWN BY: CHECKED BY:

P4

THE CANNERY

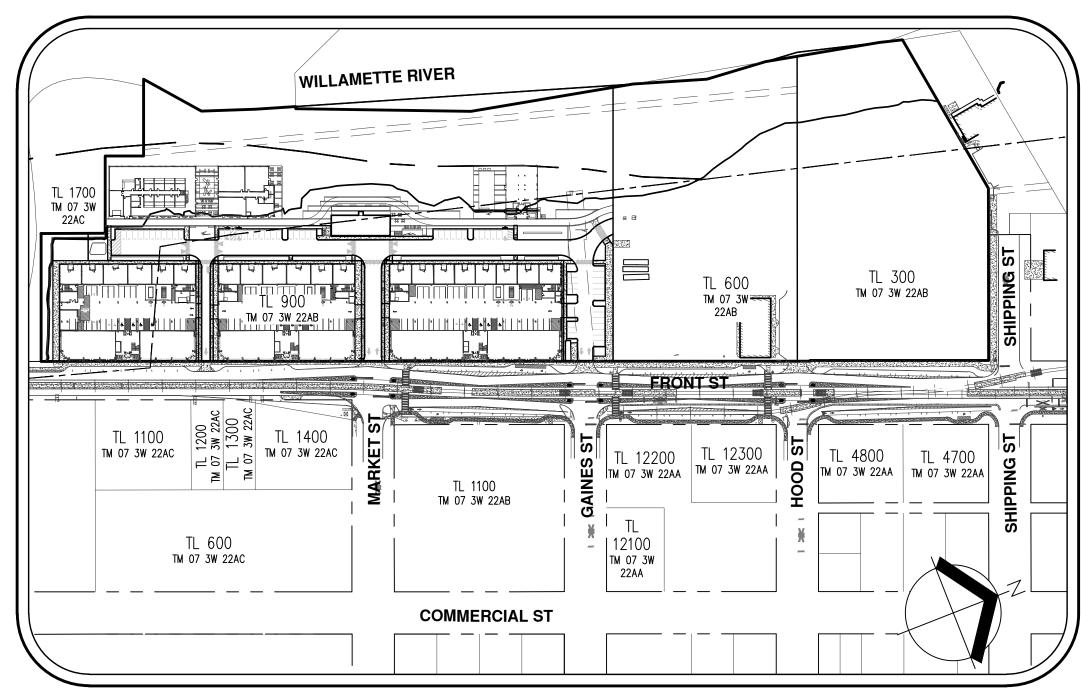
PRELIMINARY LAND USE PLANS



VICINITY MAP

NOT TO SCALE

<u>LEGEND</u>						
	EXISTING	PROPOSED		EXISTING	<u>PROPOSE</u>	
DECIDUOUS TREE	\odot	\bigcirc	STORM DRAIN CLEAN OUT	0	•	
CONIFEROUS TREE	24		STORM DRAIN CATCH BASIN			
			STORM DRAIN AREA DRAIN			
FIRE HYDRANT	Ω	•	STORM DRAIN MANHOLE	© ©	•	
WATER BLOWOFF	Ŷ	<u>T</u>	GAS METER GAS VALVE	101		
WATER METER	<u></u>	—	GUY WIRE ANCHOR	₩		
WATER VALVE	×	×	UTILITY POLE	-0-	_	
DOUBLE CHECK VALVE AIR RELEASE VALVE		<u>۔</u> م	POWER VAULT	P	P	
SANITARY SEWER CLEAN OF	ූර UT o	7	POWER JUNCTION BOX			
SANITARY SEWER MANHOLE			POWER PEDESTAL			
SIGN		-	COMMUNICATIONS VAULT	C	С	
STREET LIGHT	\$	*	COMMUNICATIONS JUNCTION BOX	\triangle		
MAILBOX	[MB]	[МВ]	COMMUNICATIONS RISER	\Diamond	•	
		CVICTINO				
RIGHT-OF-WAY LINE		<u>EXISTING</u>		PROPOSED		
BOUNDARY LINE						
PROPERTY LINE						
CENTERLINE						
DITCH		>	> - > -	—> ——	>	
CURB						
EDGE OF PAVEMENT						
EASEMENT						
FENCE LINE		0 0	· · · · · · · · · · · · · · · · · · ·	· · · · · ·		
GRAVEL EDGE						
POWER LINE		- — PWR — — -	PWR PWR	——— Р	WR	
OVERHEAD WIRE		— — ОНЖ	OHW —	c	онw ————	
COMMUNICATIONS LINE		- — сом — — -	COM — COM —	с	юм ———	
FIBER OPTIC LINE		- — сғо — — -	CFO CFO	c	F0 ———	
GAS LINE		- — GAS — — -	— — GAS —	GAS	- GAS	
STORM DRAIN LINE		- — STM — — -			тм ———	
STORM BRAIN LINE		- — SAN — — –			:AN	
SANITARY SEWED LINE			JAN			
SANITARY SEWER LINE WATER LINE		- — WAT — — -	WAT WAT	ν		



SITE MAP1" = 150'

PROPERTY DESCRIPTION:

MARION COUNTY TAX MAP 07 3W 22AB, TAX LOTS 300, 600, & 900 CITY OF SALEM, OREGON

PROPERTY LOCATION:

1105 FRONT ST NE,

SALEM, OREGON 97301

VERTICAL DATUM

ELEVATIONS ARE BASED ON CITY OF SALEM BENCHMARK NO. 1151, LOCATED AT THE SE CORNER OF SUMMER AND MARION ST. ELEVATION = 161.617 FEET (NGVD 29).

CIVIL ENGINEERING/ SURVEYING/LAND USE

PLANNING FIRM

AKS ENGINEERING & FORESTRY, LLC
ENGINEERING CONTACT: TYLER ROTH, PE
PLANNING CONTACT: GRACE WOLFF
3700 RIVER RD N, STE 1
KEIZER, OR 97303
PH: 503.400.6028
WWW.AKS-ENG.COM

ARCHITECT

INSIGHT ARCHITECTS
CONTACT: KRISTINA HELD, AIA, LEED AP BD+C, CPHC
1307 WEST MOREHEAD ST, STE 108
CHARLOTTE, NC 28208
PH: 704.344.0445

LANDSCAPE ARCHITECT

LANGO HANSEN LANDSCAPE ARCHITECT CONTACT: KYLE TRULEN, PLA, LEED AP 1100 NW GLISAN #3A, PORTLAND, OR 97209 PH: 971.380.3580

CONTRACT PURCHASER/APPLICANT

CONTACT: TRENT MICHELS 15017 THOMAS RD, CHARLOTTE, NC 28278

GEOTECHNICAL FIRM

CENTRAL GEOTECHNICAL SERVICES, LLC CONTACT: JULIO C. VELA, PHD, PE, GE 10240 SW NIMBUS AVE, STE L6 PORTLAND, OR 97223 PH: 503.994.0755

SHEET INDEX

P1 COVER SHEET

C002 EXISTING CONDITIONS PLAN
C003 EXISTING CONDITIONS PLAN

P4 TENTATIVE PLAT

P5 PRELIMINARY ONSITE DEMOLITION PLAN

P6 PRELIMINARY TREE PRESERVATION AND REMOVAL PLAN

P7 PRELIMINARY TREE TABLE

P8 PRELIMINARY SITE PLAN

P9 PRELIMINARY ONSITE GRADING AND DRAINAGE PLAN

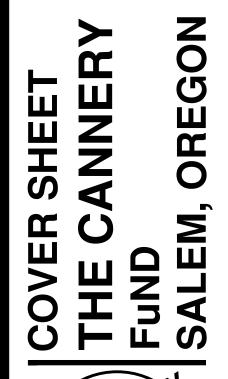
P10 PRELIMINARY ONSITE GRADING AND DRAINAGE PLAN

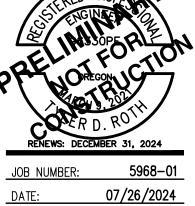
P11 PRELIMINARY GRADING AND DRAINAGE SECTIONS

P12 PRELIMINARY COMPOSITE UTILITY PLAN

P13 PRELIMINARY FRONT ST IMPROVEMENTS

P14 CONCEPTUAL LOT 5 AND 6 UTILITY PLAN





DATE: 07/26/2024

DESIGNED BY: TDR

DRAWN BY: MJM

CHECKED BY: TDR

P1

PRELIMIN

LEGEND

— — ·150· — — —

公分

EXISTING GROUND CONTOUR (1 FT)

EXISTING GROUND CONTOUR (5 FT)

EXISTING PAVEMENT/CONCRETE TO BE REMOVED

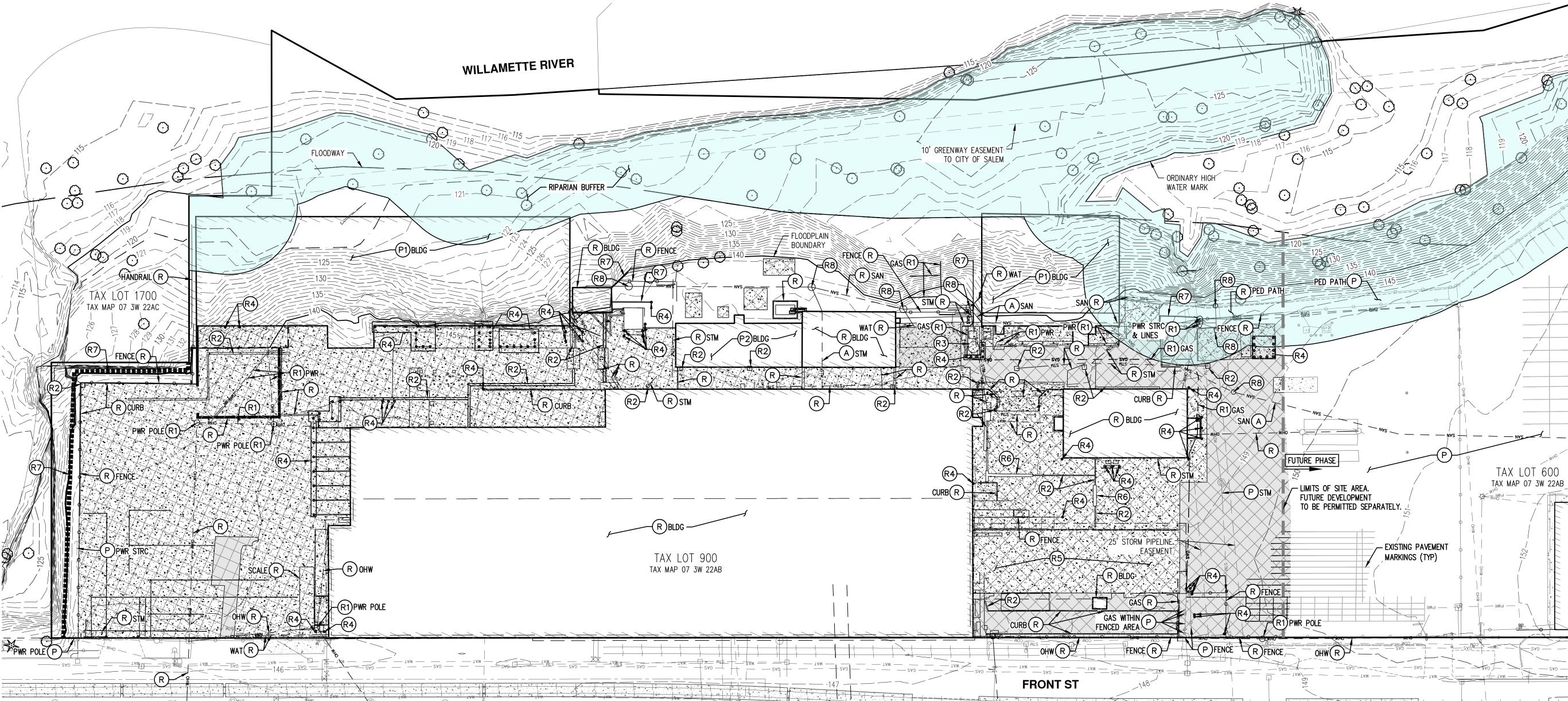
EXISTING TREE TO REMAIN

07/26/2024 DESIGNED BY: DRAWN BY: CHECKED BY:

SCALE: 1"= 40 FEET

ORIGINAL PAGE SIZE: 22" x 34"

P5



DEMOLITION KEYED NOTES: TR

- R CONTRACTOR TO REMOVE AND HAUL OFF SITE FOR DISPOSAL.
- R1 COORDINATE WITH FRANCHISE UTILITY PROVIDER FOR RELOCATION/REMOVAL. IF NO RELOCATION IS REQUIRED CONTRACTOR
- R2 REMOVE EXISTING STORM STRUCTURE AND HAUL OFF SITE FOR DISPOSAL.
- R3 REMOVE EXISTING NITROGEN TANK. REMOVE AND DECOMMISSION IN ACCORDANCE WITH APPLICABLE STATE REGULATIONS.
- R4 REMOVE EXISTING BOLLARDS AND ATTACHED STRUCTURES.
- R5 REMOVE EXISTING COVERED AREA. METAL TRUSSES TO BE SAVED FOR FUTURE REUSE.
- R6 REMOVING EXISTING METAL PLATE.
- R7 EXISTING RETAINING WALL. STRUCTURAL IMPROVEMENTS REQUIRED TO BE DETERMINED AT TIME OF BUILDING PERMIT.
- SITE FOR DISPOSAL IN ACCORDANCE WITH STATE REGULATIONS.

PLUG, ABANDON, AND/OR REMOVE EXISTING UTILITY LINES PER	CITY
AND/OR UTILITY COMPANY STANDARDS.	

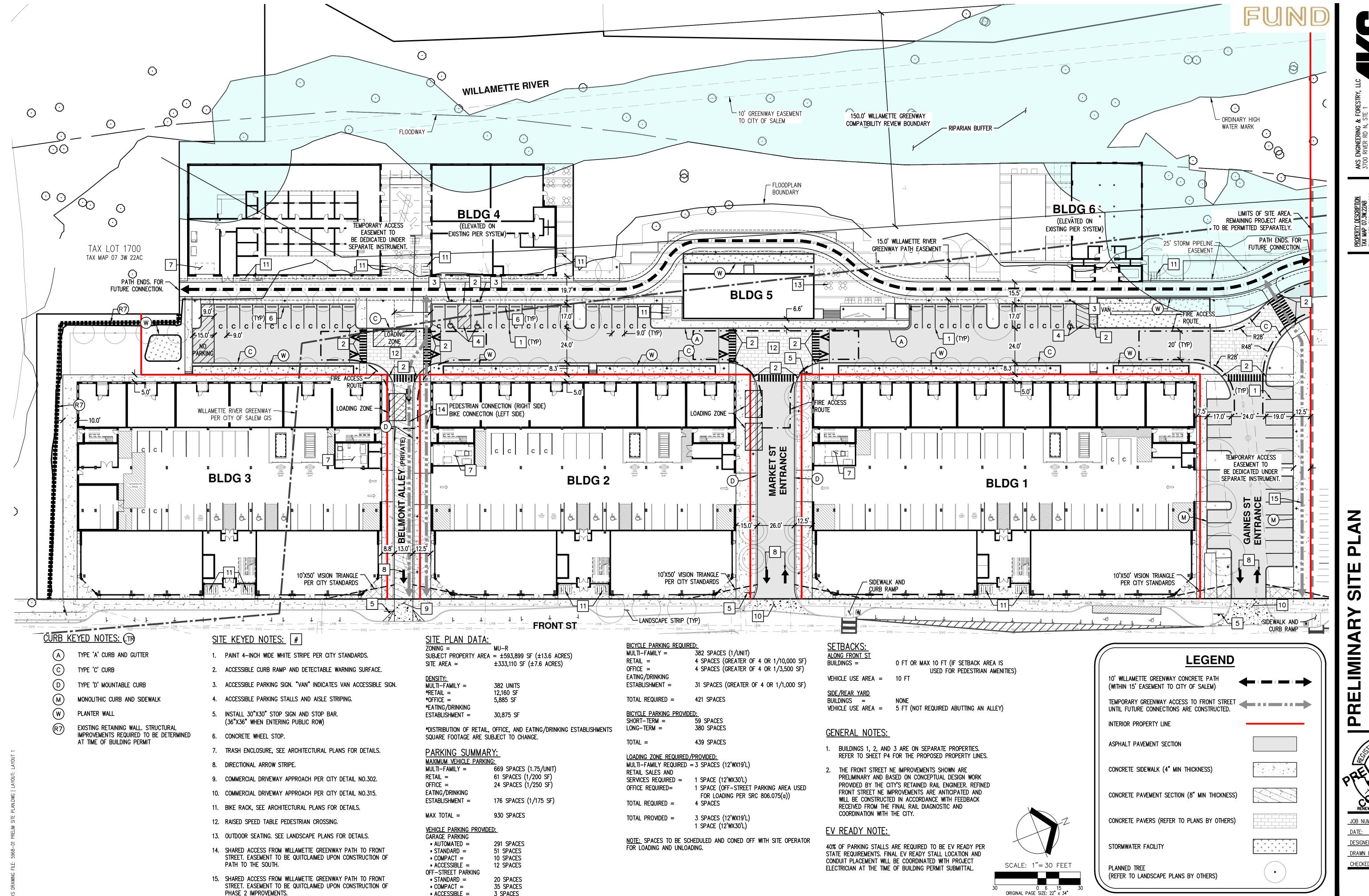
Р	PROTECT AT ALL TIMES DURING CONSTRUCTION. ADJUST TO NEW FINISHED
	GRADE AS REQUIRED. ANY DAMAGE SHALL BE REPAIRED AT
	CONTRACTOR'S EXPENSE.

P1 REMOVE EXISTING WALLS AND PROTECT THE PIER AND PLATFORM. REFER TO BUILDING PLANS FOR BUILDING AND STRUCTURAL IMPROVEMENTS.

- P2 REFER TO BUILDING PLANS FOR BUILDING IMPROVEMENTS.
- SHALL PROTECT AT ALL TIMES DURING CONSTRUCTION.

- R8 REMOVE EXISTING SANITARY STRUCTURE AND PUMP STATION. HAUL OFF





• ACCESSIBLE =

TOTAL PARKING =

3 SPACES

422 SPACES

JOB NUMBER: 07/26/2024

DESIGNED BY: DRAWN BY: CHECKED BY:

P8

/Ó

PROPERTY DESCRIPTION
TAX MAP 07.3W.22AB
TAX LOTS 300, 600, 900
CONTRACT PURCHASER:
Fund
15017 THOMAS RD,
CHARLOTTE, NC 28278

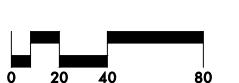
PRES TREE CANNERY

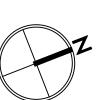
JOB NUMBER: 07/26/2024 DESIGNED BY: DRAWN BY: CHECKED BY:

P6

WILLAMETTE RIVER WILLAMETTE RIVER GREENWAY PER CITY OF SALEM GIS, TYP BUILDING 4 BUILDING 4 BUILDING 6 BUILDING 5 FRONT STREET NE

ILLUSTRATIVE PLAN OVERALL





Attachment C

LAND USE SUBMITTAL ILLUSTRATIVE PLAN OVERALL

REVISIONS

SCALE DRAWN BY

PROJECT NO.

SHEET

2024.03.15

2346-SAC

SITE LANDSCAPE DATA

REVISIONS

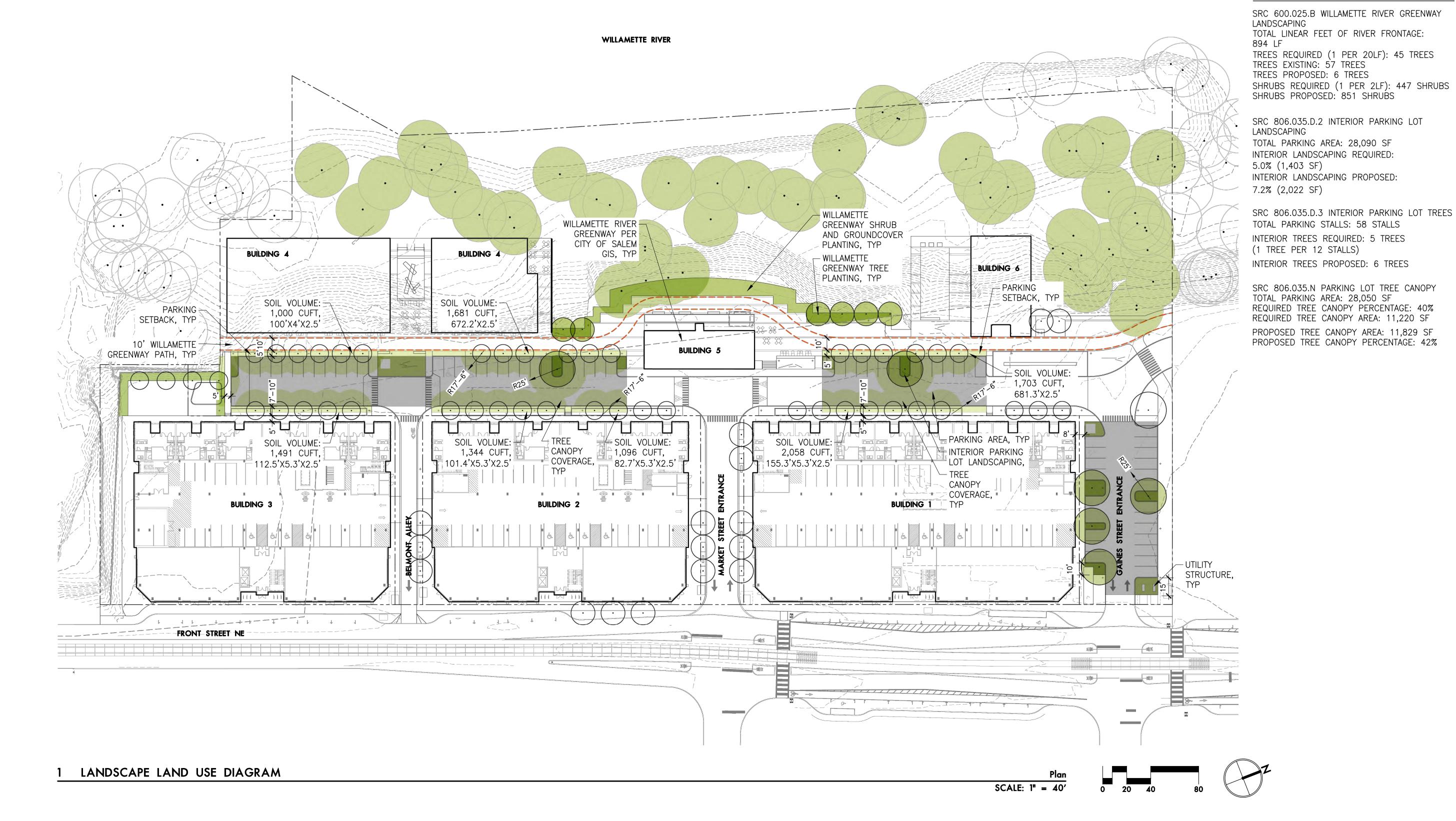
SCALE

DRAWN BY PROJECT NO.

SHEET

2024.03.15

2346-SAC

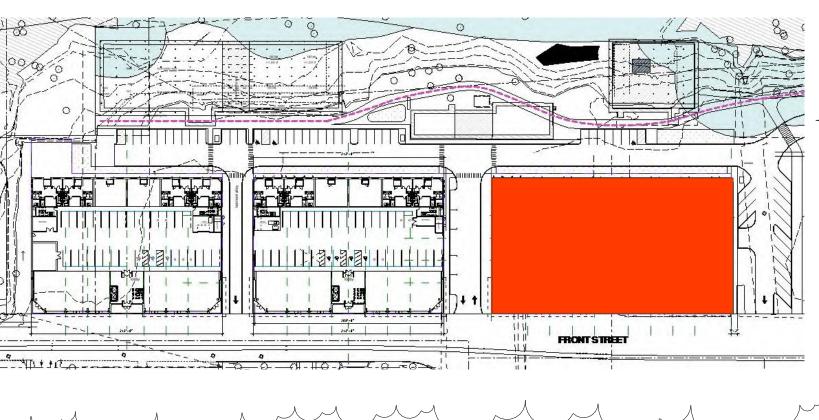


Attachment D



FLOOR	BLDG I	BLDG II	BLDG III	
1ST	8	6		
2ND 26		22	22	
3RD	27	23	23	
4TH	27	23	23	
5TH 27		23	23	
6TH 27		23	23	
TOTAL	142	120	120	

TOTAL NO. OF UNITS: 382

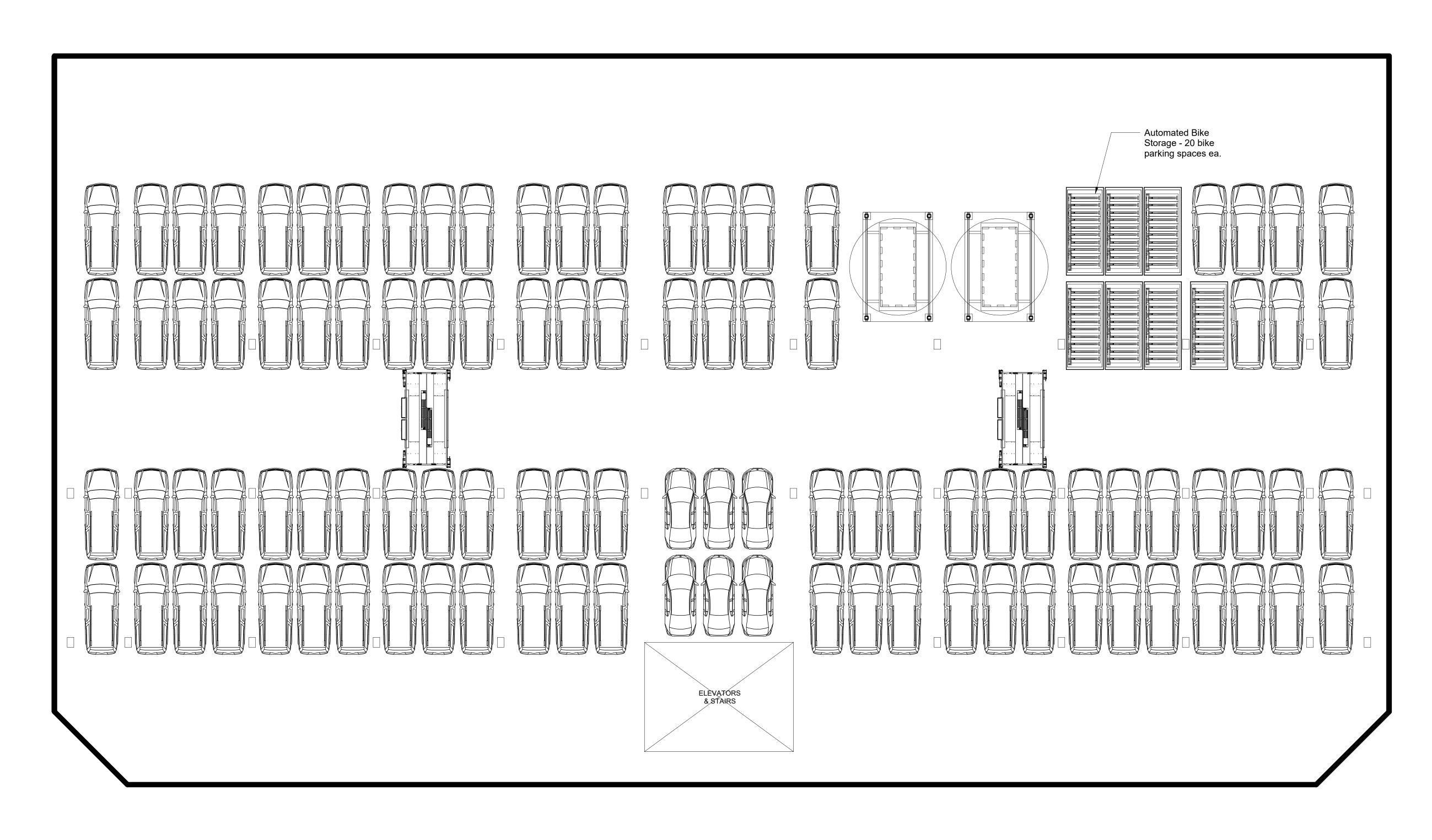






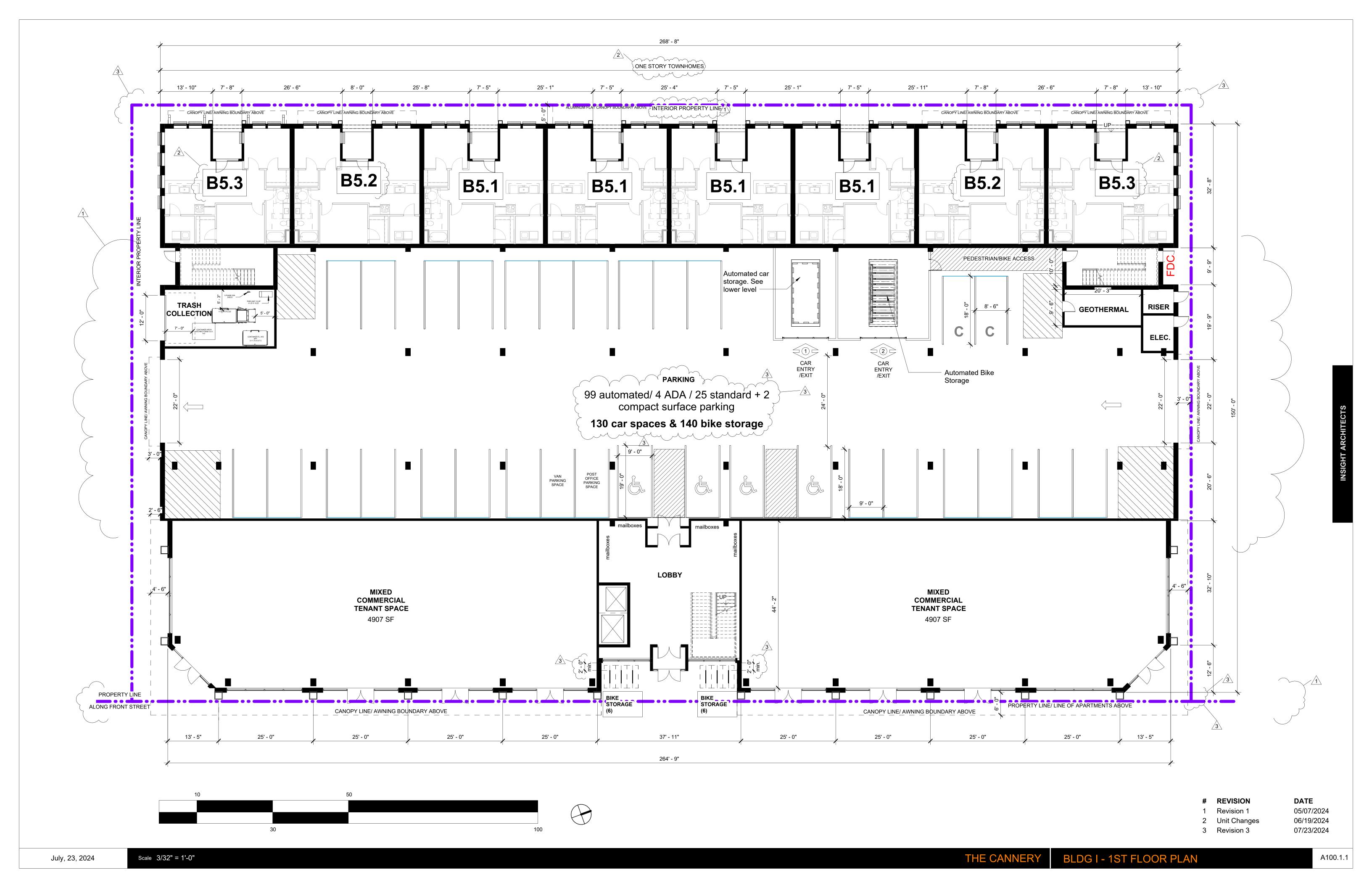
INSIGHT ARCHITECTS, PC The Cannery 1307 West Morehead Street
Suite 108
Charlotte, NC 28208

BLDG I
Salem Oregon
Building Elevations



REVISION **NEW SHEET** 1 Revision 1

DATE 05/07/2024



268' - 8"

A 01



REVISION 1 Revision 1

DATE 05/07/2024 81% GLAZING* 91% WEATHERPROTECTION

*Calculated per SRC 112.030 (b)



60% GLAZING*
56% WEATHERPROTECTION

*Calculated per SRC 112.030 (b)

June 19, 2024

DATE

06/19/2024

REVISION

2 Unit Changes



DATE 06/19/2024

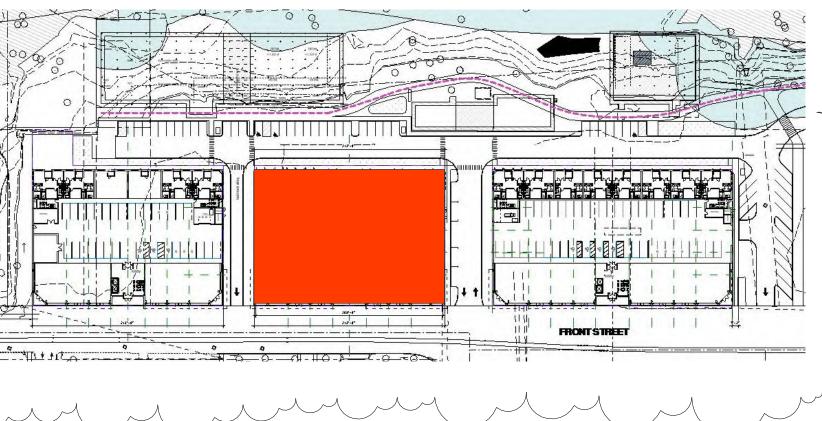


DATE 06/19/2024



FLOOR	BLDG I	BLDG II	BLDG III
1ST	8	6	6
2ND	26	22	22
3RD	27	23	23
4TH	27	23	23
5TH	27	23	23
6TH	27	23	23
TOTAL	142	120	120

TOTAL NO. OF UNITS: 382





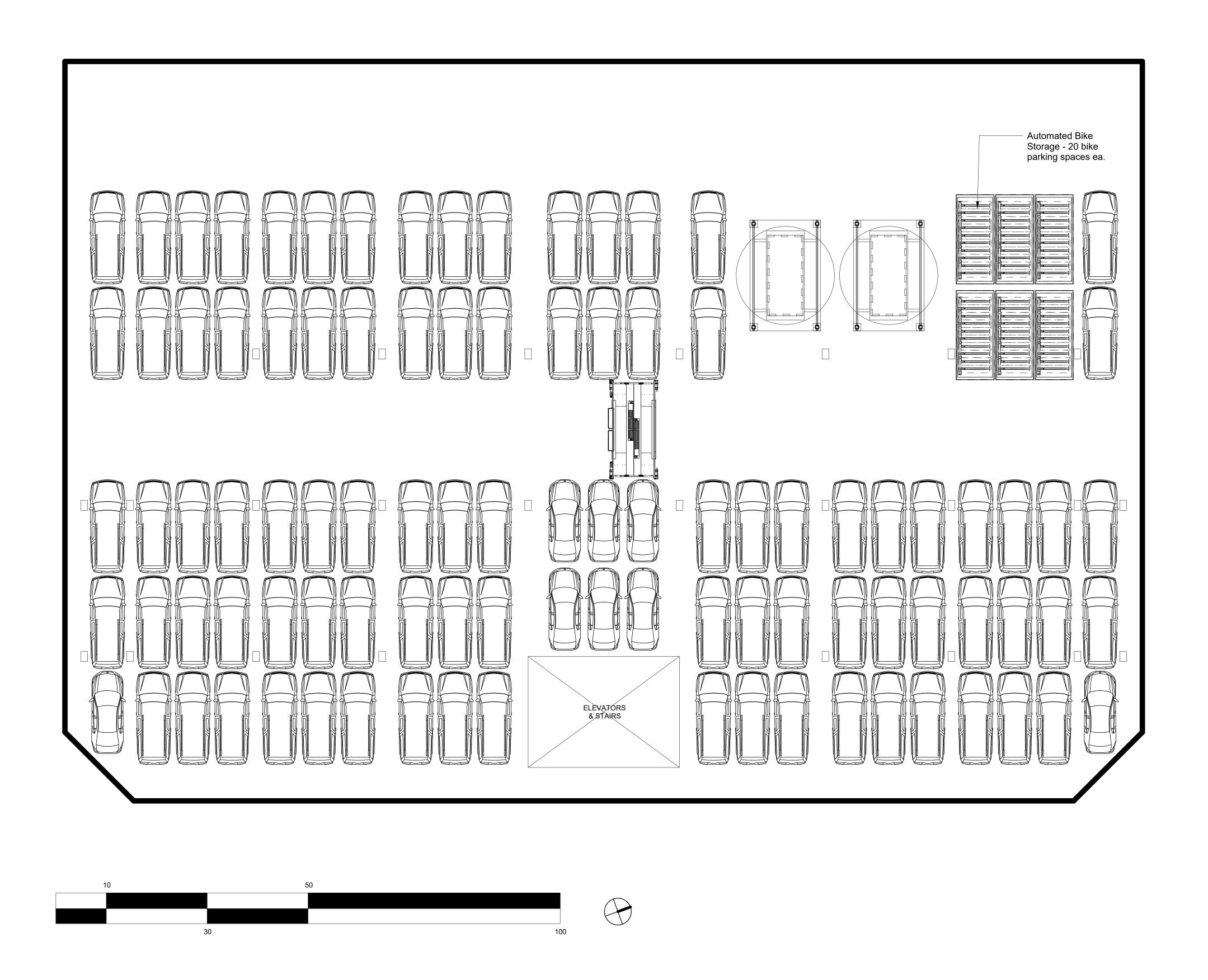


INSIGHT ARCHITECTS, PC

1307 West Morehead Street
Suite 108
Charlotte, NC 28208

BLDG II
Salem Oregon
Building Elevations





REVISION **NEW SHEET** 1 Revision 1

DATE 05/07/2024

July, 23, 2024 Scale 3/32" = 1'-0"

THE CANNERY

BLDG II - 1ST FLOOR PLAN



July, 23, 2024

THE CANNERY

DATE

05/07/2024

06/19/2024

07/23/2024



DATE 05/07/2024

83% GLAZING*
89% WEATHERPROTECTION

*Calculated per SRC 112.030 (b)



DATE 06/19/2024

56% GLAZING*
59% WEATHERPROTECTION

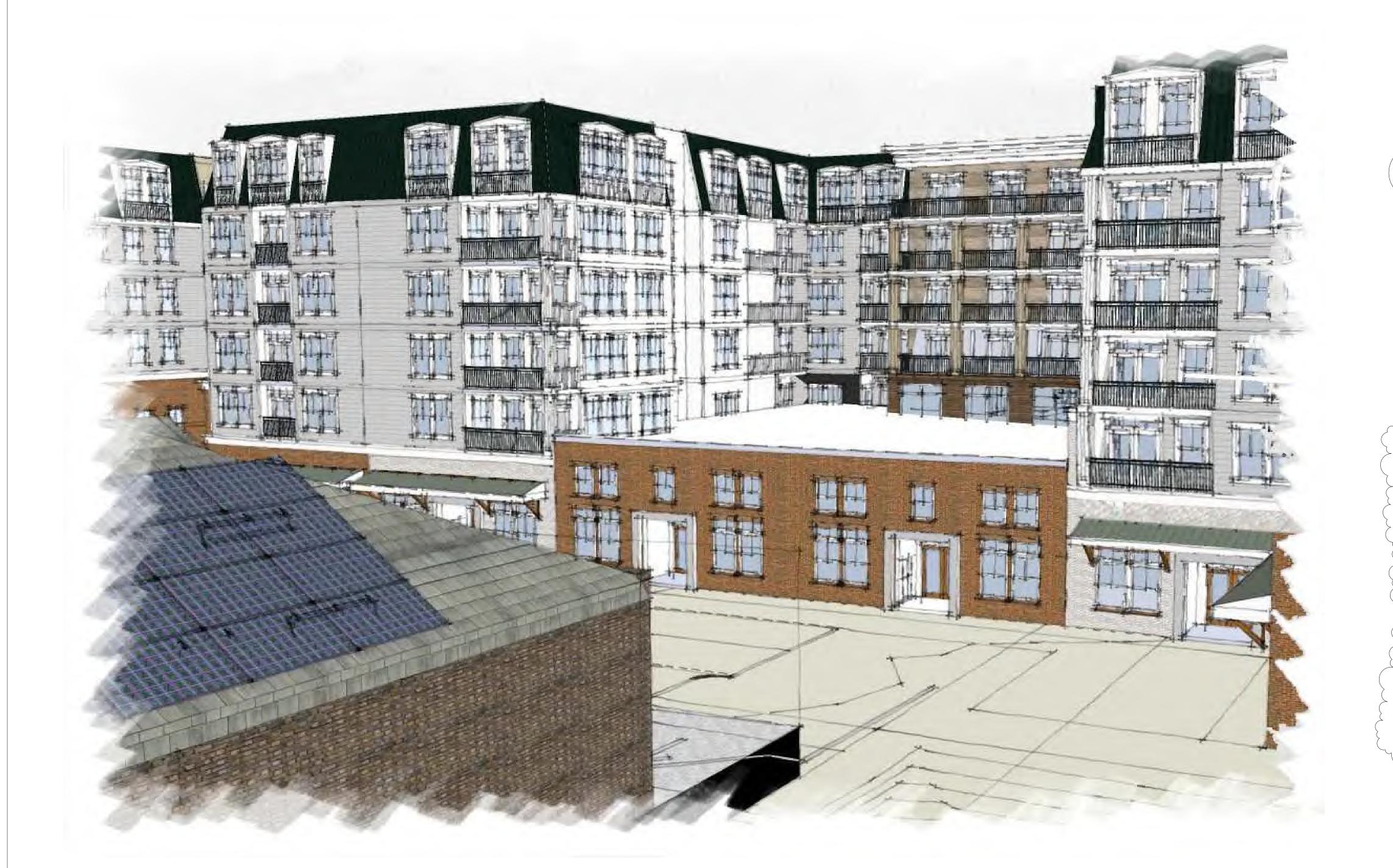
*Calculated per SRC 112.030 (b)



DATE 06/19/2024

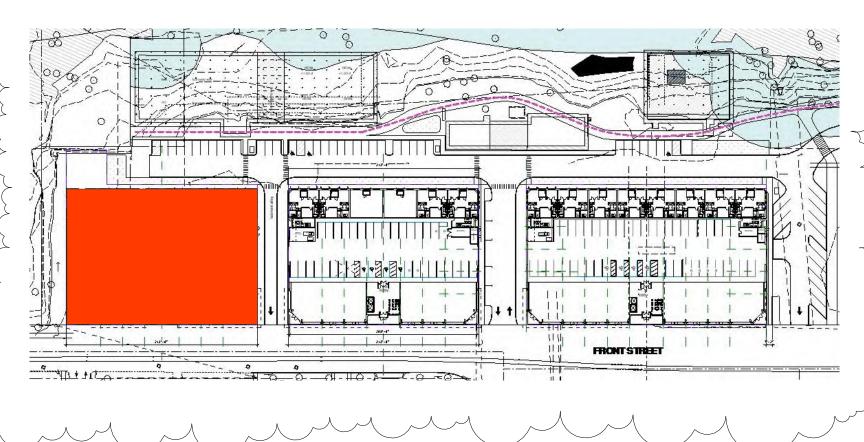


DATE 06/19/2024



FLOOR	BLDG I	BLDG II	BLDG III
1ST	8	6	6
2ND	26	22	22
3RD	27	23	23
4TH	27	23	23
5TH	27	23	23
6TH	27	23	23
TOTAL	142	120	120

TOTAL NO. OF UNITS: 382

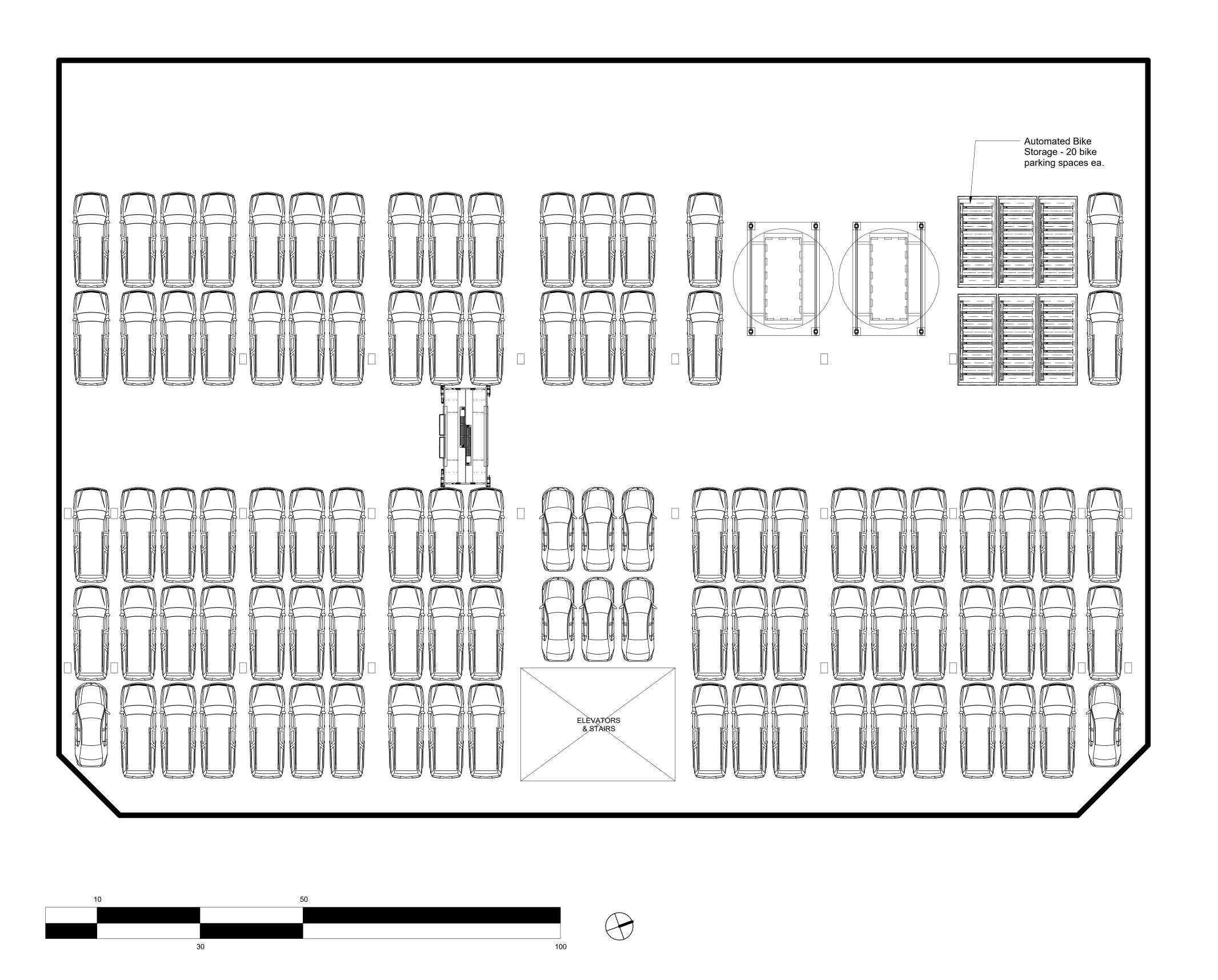






INSIGHT ARCHITECTS, PC The Cannery 1307 West Morehead Street
Suite 108
Charlotte, NC 28208

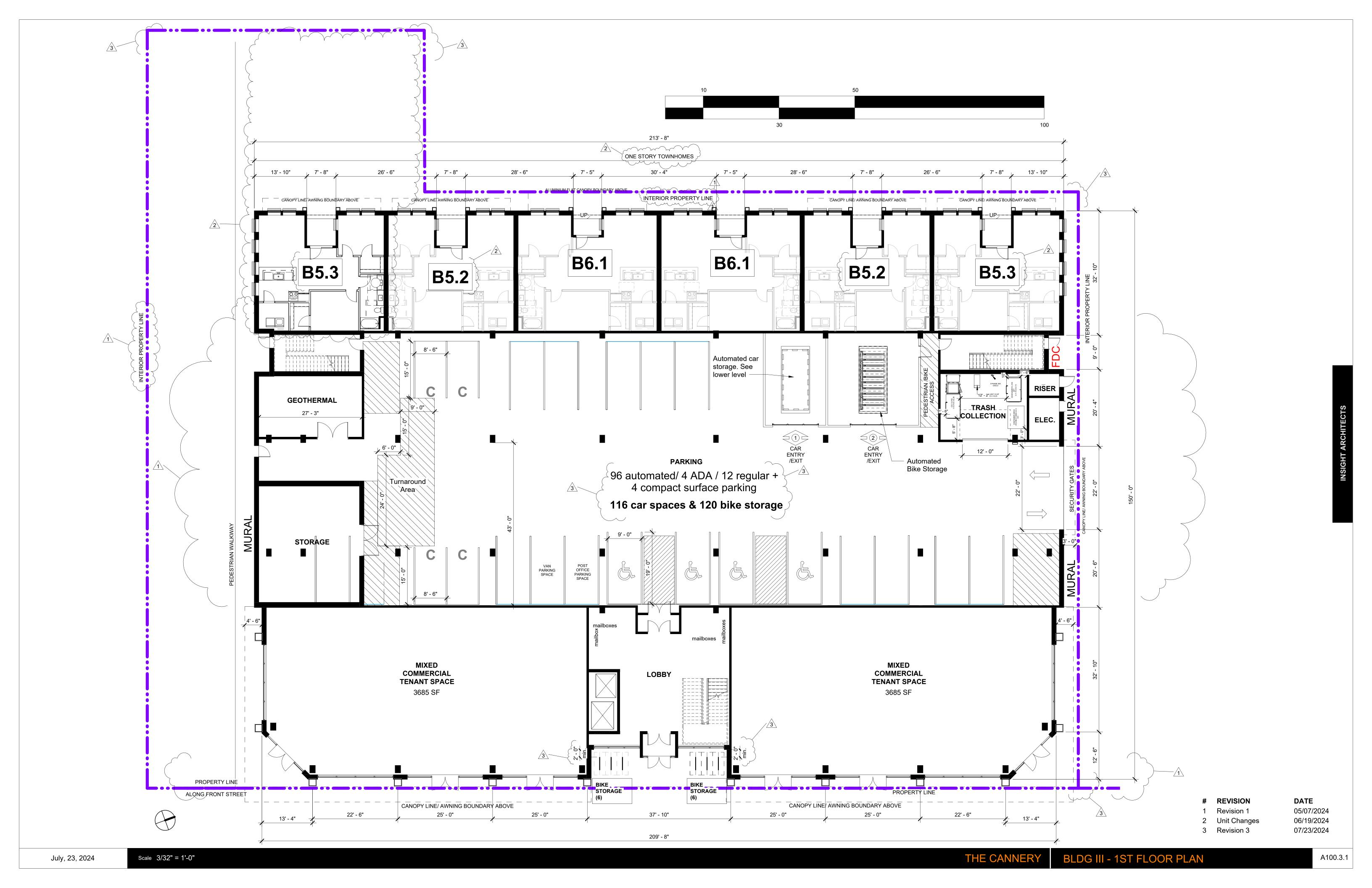
BLDG III
Salem Oregon
Building Elevations

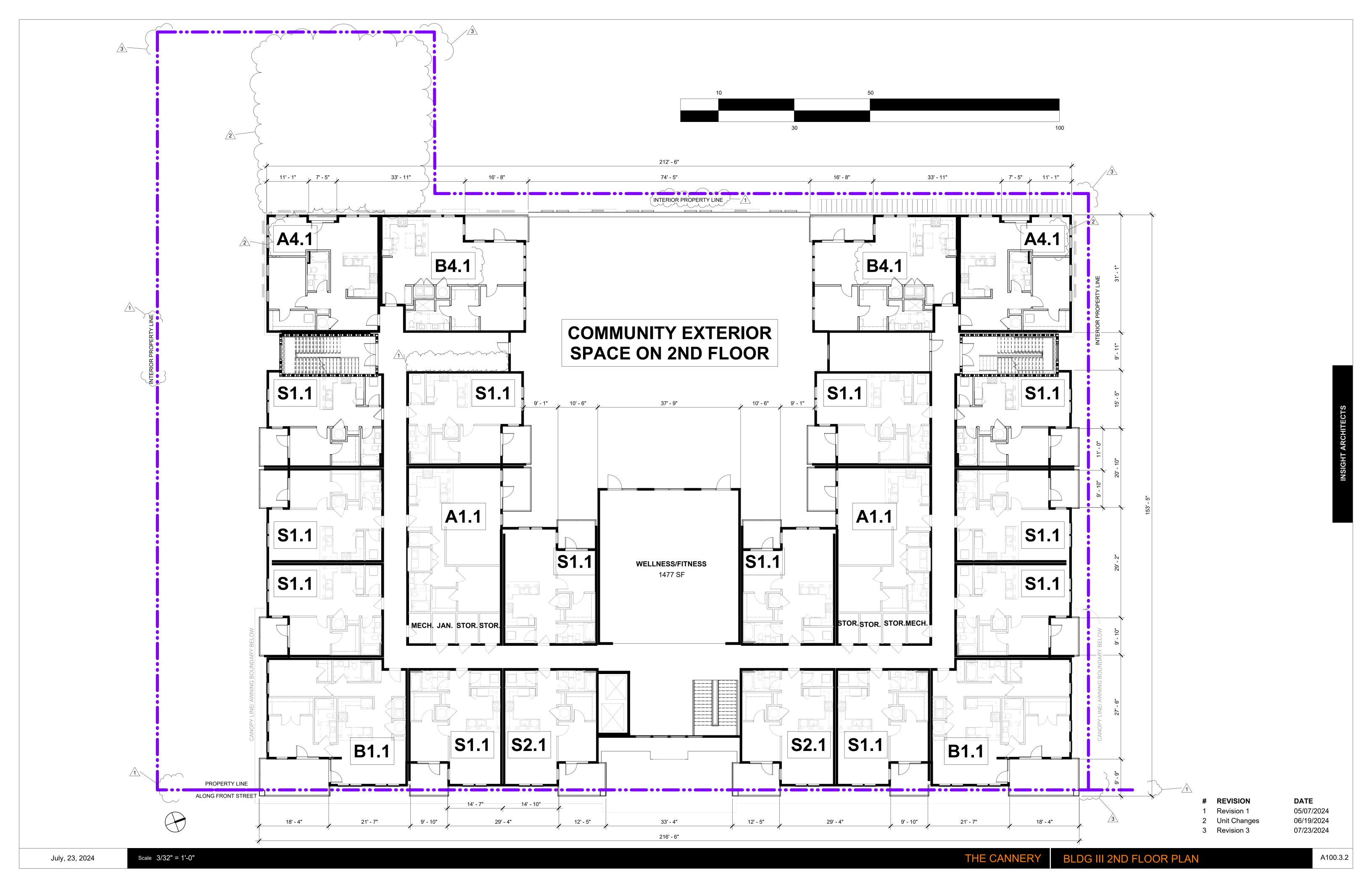


REVISION **NEW SHEET** 1 Revision 1

DATE 05/07/2024

BLDG III - PARKING PLAN LOWER LEVEL







DATE 05/07/2024

83% GLAZING*
89% WEATHERPROTECTION

*Calculated per SRC 112.030 (b)



DATE 06/19/2024

52% GLAZING*
59% WEATHERPROTECTION

*Calculated per SRC 112.030 (b)



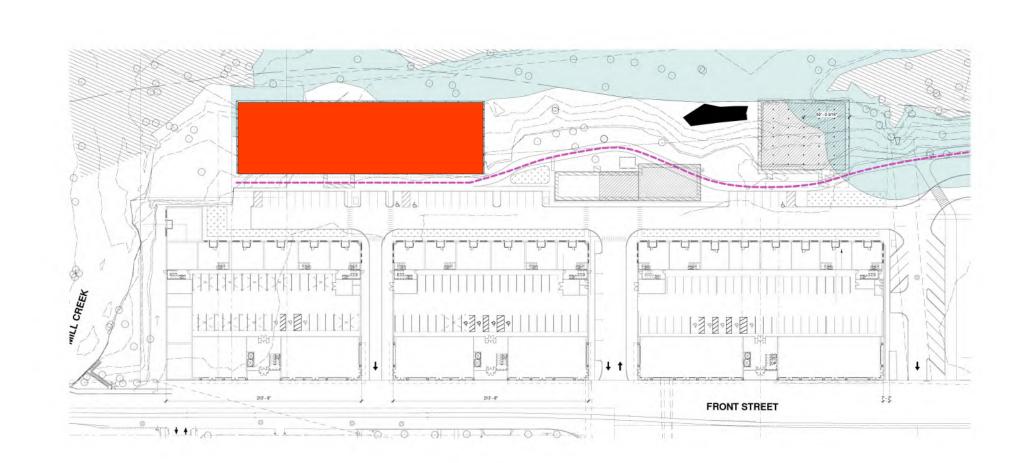
DATE 06/19/2024



DATE 06/19/2024





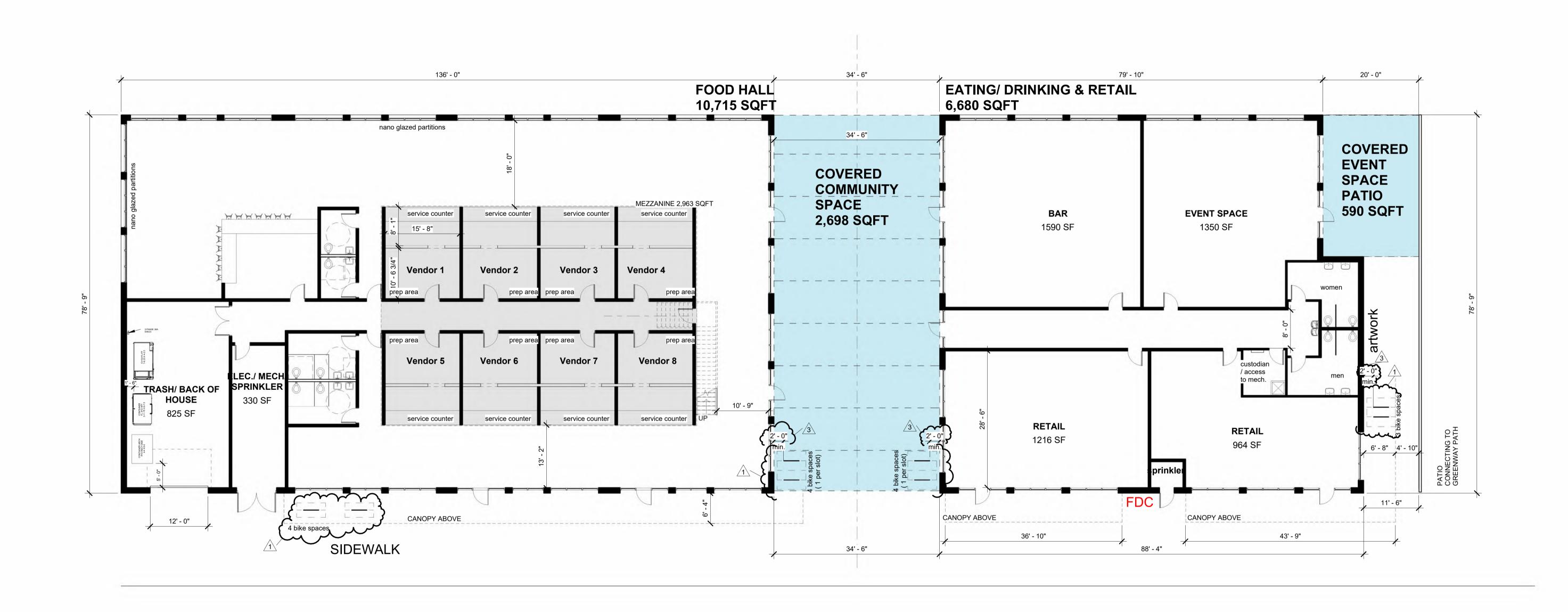






INSIGHT ARCHITECTS, PC The Cannery 1307 West Morehead Street
Suite 108
Charlotte, NC 28208

FOOD HALL
Salem Oregon
Building Elevations





05/07/2024 07/23/2024

3 Revision 3

DATE

Juky, 23, 2024

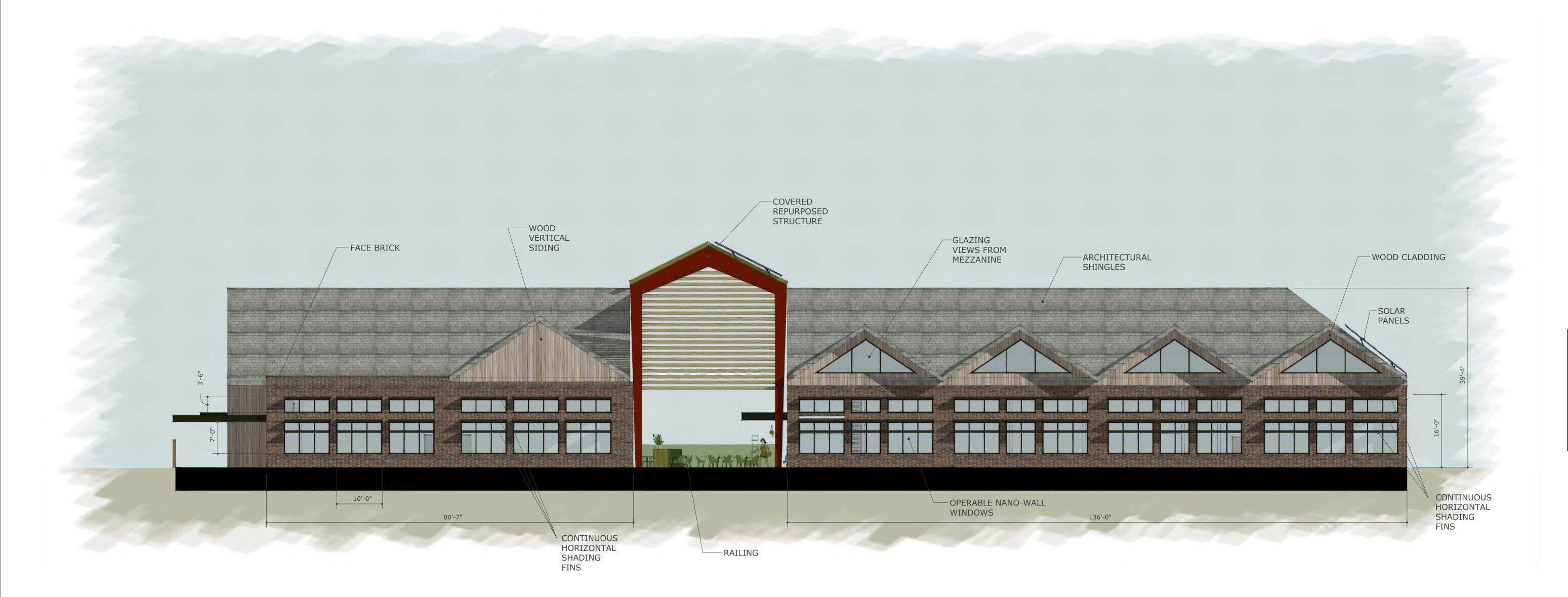


SOUTH SECTION

58% GLAZING*
82% WEATHERPOTECTION.
Pedestrian traffic between the two building sections.
*Calculated per SRC 112.030 (b)

NORTH SECTION

68% GLAZING*
91% WEATHERPOTECTION.
Pedestrian traffic between the two building sections.
*Calculated per SRC 112.030 (b)



NORTH SECTION

75% GLAZING*
NO WEATHERPOTECTION.
Pedestrian traffic between the two building sections.
*Calculated per SRC 112.030 (b)

SOUTH SECTION

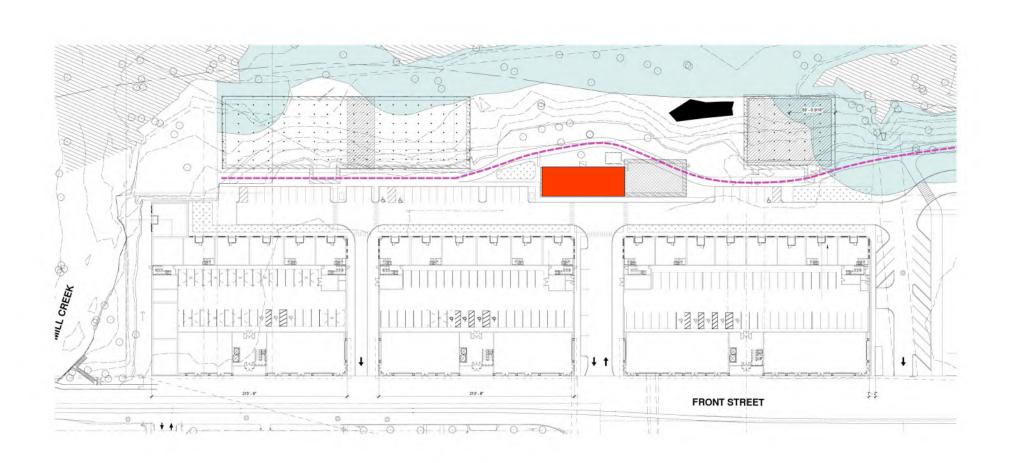
78% GLAZING*
NO WEATHERPOTECTION.
Pedestrian traffic between the two building sections.
*Calculated per SRC 112.030 (b)



NORTH ELEVATION SOUTH ELEVATION



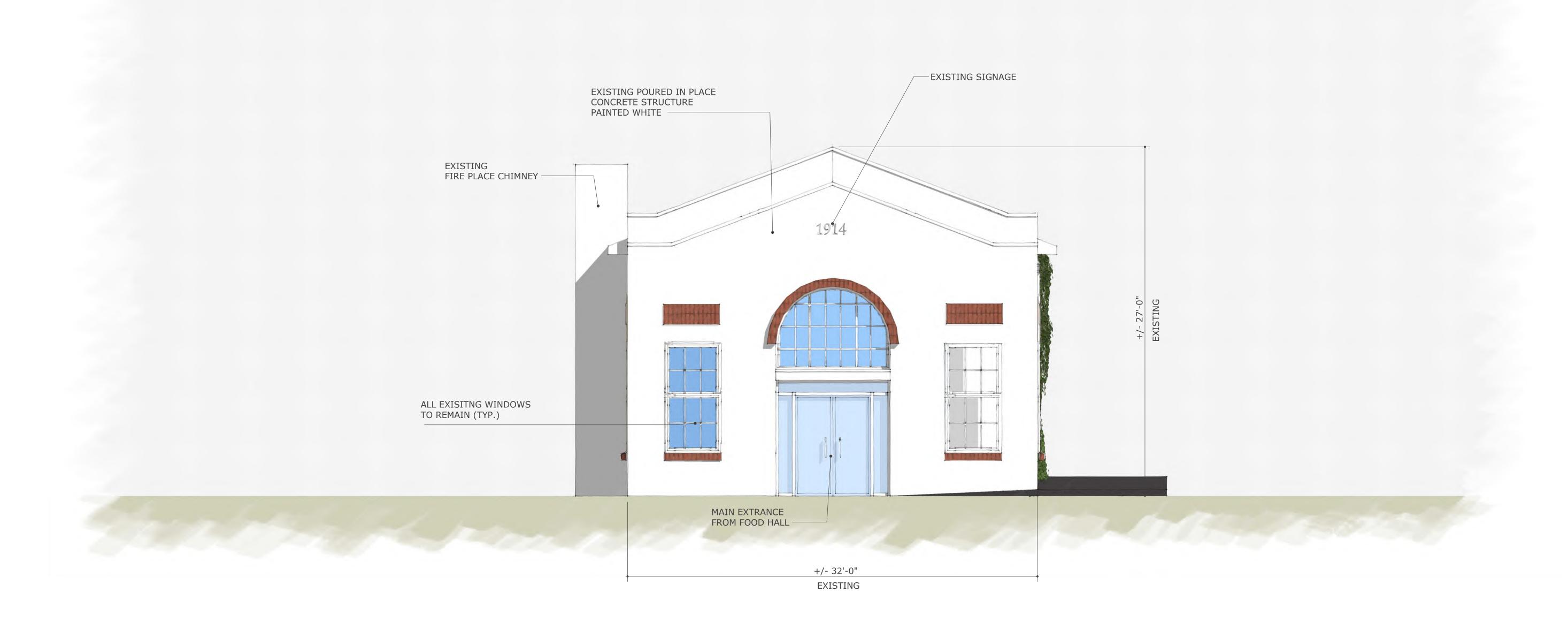












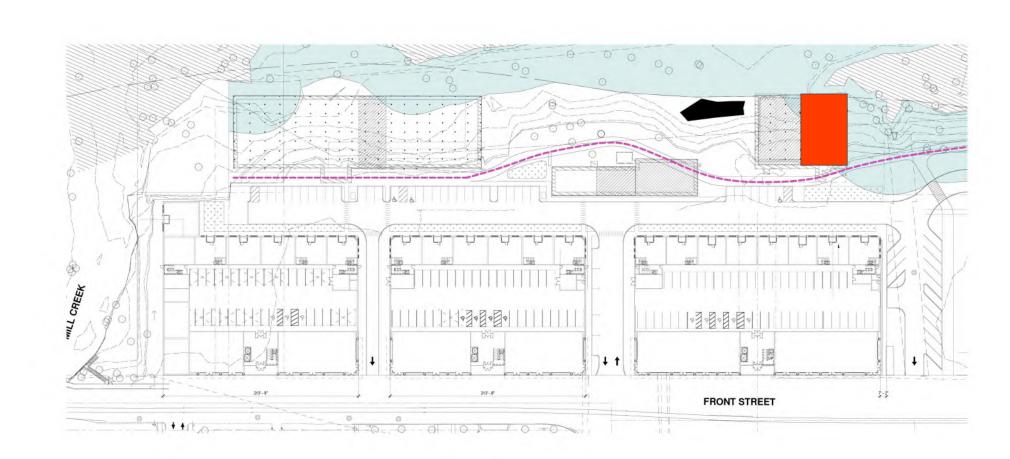


NOTE: CURRENTLY, THIS FACADE IS COVERED BY A PREVIOUS ADDITION, WHICH IS TO BE DEMOLISHED. ALTERED PORTION OF FACADE IS LESS THAN 10% OF THE OVERALL FACADE.









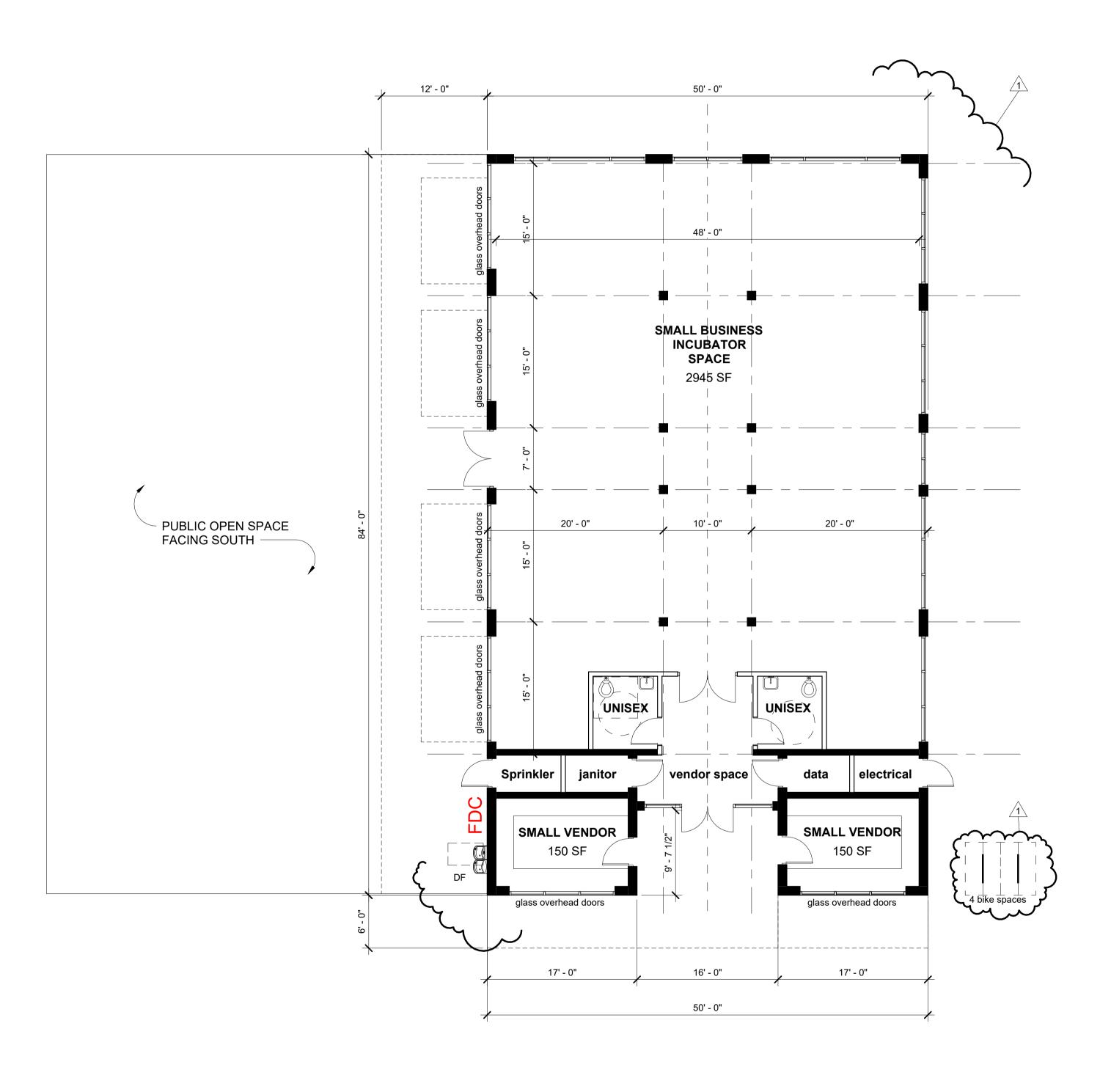




INSIGHT ARCHITECTS, PC The Cannery

1307 West Morehead Street
Suite 108
Charlotte, NC 28208

MARKET
Salem Oregon
Building Elevations



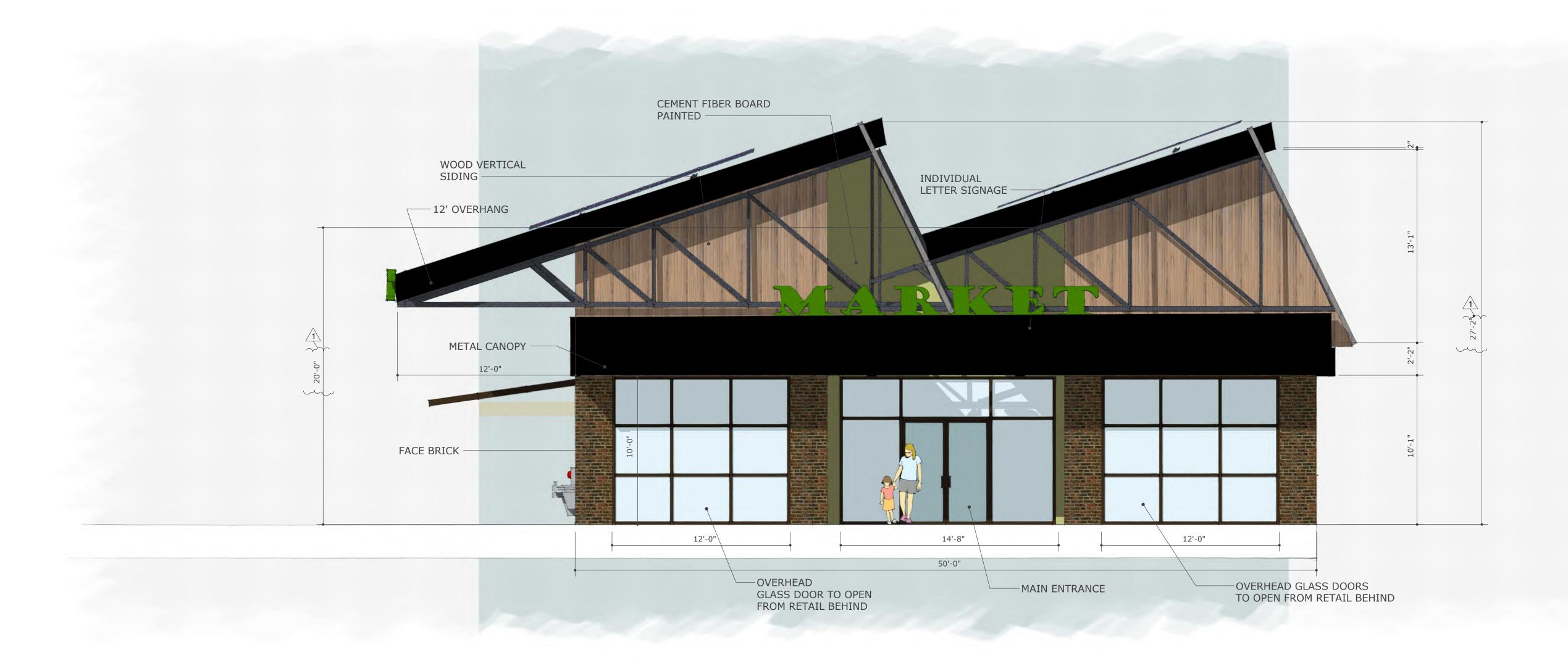
1 1st FLOOR PLAN

1/8" = 1'-0"

TOTAL BUILDING SQFT 4,200 sf <u>COVERED AREA SOUTH: 1,008 sf</u> TOTAL: 5,208 sf

REVISION
1 Revision 1

DATE 05/07/2024



DATE 05/07/2024

77% GLAZING*
100% WEATHERPROTECTION

*Calculated per SRC 112.030 (b)

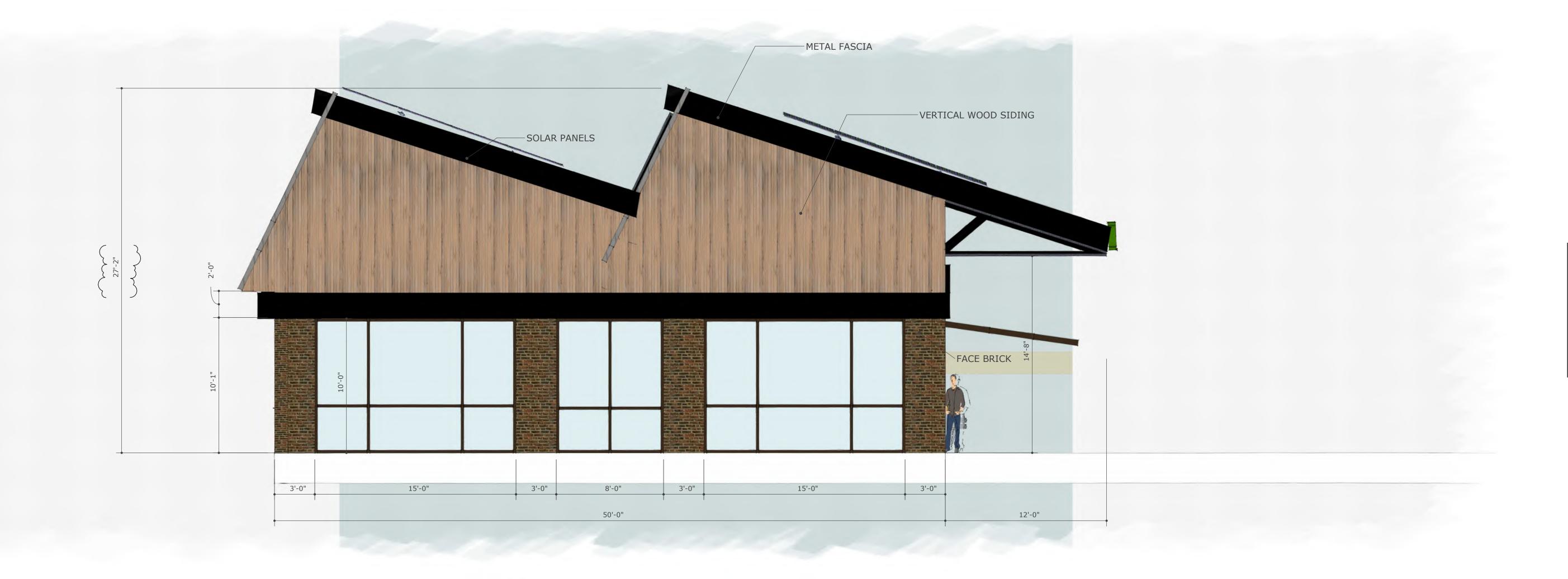


DATE 05/07/2024



•

DATE 05/07/2024



DATE 05/07/2024

76% GLAZING*
NO WEATHERPROTECTION

*Calculated per SRC 112.030 (b)

Attachment E

September 16, 2024



Bryce Bishop, Case Manger
Community Planning & Development Dept.
City of Salem
555 Liberty Street SE, Suite 305

Salem, Oregon 97301 via email: bbishop@cityofsalem.net

Re: CASE NO. WGP-SUB-SPR-ADJ-DAP 24-01 1100 TO 1400 BLOCK OF FRONT STREET

The Grant Neighborhood Association is very excited about the prospect of The Cannery development. We appreciate the time and effort it takes to make such a significant investment in our neighborhood. We would appreciate continued communication with the development team to ensure the project is successful for everyone. We are particularly concerned with the project integrating well into our neighborhood with adequate access to the Willamette Greenway as well as new venues along the river. Items of particular interest to the neighborhood that appear to be unresolved or not to code in the Site Plan Review Package are noted on the attached site plan and include:

- 1. Adequate public access to the Willamette River Greenway Path
- 2. Adequate landscaping between pedestrian paths and parking
- 3. Lack of tree cover in parking areas
- 4. Pedestrian amenities along Front Street
- 5. Street trees along Front Street
- 6. Accessible parking dimensions and fire department access

Generally, the Grant Neighborhood Association would like to see a stronger pedestrian connection from the neighborhood to the greenway and River. Currently, this appears to be an afterthought as the connections are underdeveloped. Additionally, no pedestrian connections are shown across Front Street South of Market. More pedestrian crossings would help with access.

Additionally, the Neighborhood Association would like to express a preference for durable and long-lasting materials. Where the elevations call out brick or stone veneer, please provide brick.

The Grant Neighborhood is very supportive of the development's goals including adding housing, restaurants, and access to the Willamette River Greenway. We believe the items we have requested are minor and can be accommodated without major budgetary impact. We would like to thank the development team for their continued efforts and communication going forward.

On Behalf of the Grant Neighborhood Association,

Aaron Terpening

Land Use Chair

LAND USE SUBMITTAL

LANDSCAPE LAND USE DIAGRAM

NNER

置

REVISIONS

SCALE DRAWN BY

DATE PROJECT NO.

SHEET

2024.03.15

2346-SAC

Attachment F

Bryce Bishop

From: Jennifer Kalez <jennifer.kalez@gmail.com>
Sent: Monday, September 9, 2024 2:39 PM

To: Bryce Bishop

Subject: Public Comment on Case No. WGP-SUB-SPR-ADJ-DAP24-01

Good afternoon,

I am writing to submit comment on Case No. WGP-SUB-SPR-ADJ-DAP24-01, the 1100 to 1400 Block of Front St. NE development.

My comment pertains to ensuring there is accessible and adequate resident and visitor parking on site. I see there is mention of on-site surface parking in the hearing notice, but I don't see specifics about type of parking or number of spaces. Due to the location of the property, on-street parking is limited and potentially dangerous due to the train running through. I think it's essential that the development provide ample on-site parking (let's avoid the street parking pitfalls many Portland neighborhoods face with large developments like this).

Apart from the parking concern, I express my support for this project. I think it's creative and seems like a wonderful use of the space that will open part of the river back to the public. I attended a Grant Neighborhood Association meeting where the developer presented the plans, and I think it sounds very cool and could be a thriving addition to the community.

I have other concerns about the potential outdoor venue they mentioned could be part of the property, but I see that part is not included in this hearing so I will wait to submit comments on that when the time comes.

Respectfully submitted,

Jennifer Kalez Front St. Neighbor



MEMO

TO: Bryce Bishop, Planner III

Community Planning and Development Department

FROM: Laurel Christian, Infrastructure Planner III

Community Planning and Development Department

DATE: September 17, 2024

SUBJECT: Infrastructure Memo

WGP-SUB-SPR-ADJ-DAP24-01 (24-106451-PLN)

1105 Front Street NE

The Cannery Mixed-use Development and Subdivision

PROPOSAL

A consolidated application for the proposed redevelopment of the former Truitt Brothers cannery site as a mixed-use neighborhood consisting of three, six-story, mixed-use buildings with a total of 382 dwelling units, ground floor commercial tenant space, second-story outdoor community open space and amenities, and ground floor and basement parking; a proposed food hall building, winery building, and general-purpose market space building; on-site surface parking; and pedestrian access throughout the site and along the Willamette River. The application includes a Class 2 Willamette Greenway Development Permit; a Subdivision Tentative Plan; Class 1 and Class 2 Adjustments; and three (3) Class 2 Driveway Approach Permits.

The subject property totals approximately 13.66 acres in size, is zoned MU-R (Mixed-Use Riverfront) and partially within the Willamette Greenway Overlay Zone, and located in the 1100 to 1400 Blocks of Front Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22AB00300, 073W22AB00600, and 073W22AB00900).

RECOMMENDED CONDITIONS APPROVAL - SUBDIVISION

- 1. Prior to final plat approval, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- 2. At the time of development on each lot, design and construct a storm drainage system in general compliance with *Salem Revised Code* Chapter 71 and the *Public Works Design Standards*.

Code authority references are abbreviated in this document as follows: Salem Revised Code (SRC); Public Works Design Standards (PWDS); Salem Transportation System Plan (Salem TSP); and Stormwater Management Plan (SMP).

- 3. Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a private sanitary sewer collection system internal to the development to serve lots 1 through 4, pursuant to SRC 802.040, and provide an easement and agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is approved by the Public Works Director.
- 4. Prior to final plat approval, the applicant shall either demonstrate the properties can be served with the private sanitary system extending from the Market Street entrance internal to the development or extend a new 8-inch public sanitary sewer main in Front Street NE from the intersection of Front Street NE to the Belmont Alley Entrance in accordance with the *Public Works Design Standards*.
- 5. If approved by the Public Works Director, the applicant shall, at the time of development on lots 5 or 6, convert the existing public main within lots 5 and 6 to a private collection system, pursuant to SRC 802.040, and provide an easement and agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is required by the Public Works Director.
- 6. Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall relocate public stormwater mains that are located on the subject property that conflict with development on the subject property, in an alignment approved by the Public Works Director and constructed in accordance with the *Public Works Design Standards*.
- 7. Prior to final plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- 8. Prior to final plat approval, dedicate easements for all existing and proposed public utility (water, sewer, stormwater) infrastructure on the site to current standards in *Public Works Design Standards* Section 1.8 (Easements).
- 9. At time of development on lot 6, boundary street improvements along Shipping Street NE shall be constructed and shall comply with SRC Chapter 803 and the *Public Works Design Standards*. Specific requirements for the improvements shall be determined at time of Site Plan Review.
- 10. Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall design and construct street improvements along Front Street NE. The required improvements shall consist of one of the following options. The final design shall be approved by the Public Works Director, the Portland and Western Railroad (PNWR), the Burlington-Northern Santa Fe Railroad (BNSF), and documented with an ODOT Rail Crossing Order. If the final design is not in substantial conformance with the options listed below, the applicant shall submit a modification to the Tentative Subdivision Plan and Site Plan Review approvals.

- A. Option 1 (Half-Street Improvement with Right-in/Right-out only Movement). The improvement shall be as shown in the preliminary concept for Option 1, as provided in Attachment J, and include:
 - Construct a half street improvement along Front Street NE from the Mill Creek Bridge northerly to Shipping Street NE. The improvements shall include a 13-foot-wide southbound travel lane; on-street parking; curbs, street lighting; and a 5-foot-wide sidewalk and/or a minimum 10-foot-wide multi-use path.
 - Along the Portland and Western Railroad, construct an interim improvement along the west side of the tracks that includes a raised median along the entire property frontage from the Mill Creek bridge to Shipping Street NE. The raised median shall limit all access points to right-in/right-out only.
 - Construct ADA crosswalks at the intersections of Market Street NE, Gaines Street NE, and Hood Street NE. The crosswalks shall include ADA accessible ramps on both sides of Front Street NE, Rapid Rectangular Flashing Beacons at each crossing, appropriate signing, and a fence placed on top of the raised median to control pedestrian crossing locations. The specific locations of the crossings shall be dependent upon the decision of BNSF to keep or remove the existing railroad spur line that is located between Hood Street NE and Gaines Street SE.
 - All driveway approaches serving the site shall be limited to right-in/rightout movements; the applicant shall submit a revised a rescoped Traffic
 Impact Analysis evaluating the traffic movements that would be rerouted
 on the transportation system due to the driveways being limited to rightin/right-out movement; and any off-site mitigation identified within the
 revised and rescoped Traffic Impact Analysis, including those that affect
 any railroad crossings, shall be constructed.
- **B.** Option 2: (Full Street Improvement with Full movement) The improvement shall be as shown in the preliminary concept for Option 2, as provided in Attachment K, and include:
 - Construct a full width street improvement along both sides of Front Street NE from the Mill Creek bridge northerly to South Street NE as shown in the preliminary concept plan.
 - The full width street improvements include, but are not limited to:
 - Construct a full street improvement along both sides of Front Street NE including a 13-foot-wide travel lane in both directions, curb, bike lane, sidewalk and/or a multi-use path, on-street parking, and street lighting.
 - Along the Portland and Western Railroad, construct a raised median along both sides of the track from the Mill Creek bridge to South Street NE including railroad crossing arms at the public street intersections of Market Street NE, Gaines Street NE, Hood Street NE, and Norway Street NE as identified in the preliminary concept plan.

- Construct ADA crosswalks at the intersections of Market Street NE, Gaines Street NE, and Hood Street NE. The crosswalks shall include ADA accessible ramps on both sides of Front Street NE, Rapid Rectangular Flashing Beacons at each crossing, appropriate signing, and a fence placed on top of the raised medians to control pedestrian crossing locations. The specific locations of the crossings shall be dependent upon the decision of BNSF to keep or remove the existing railroad spur line that is located between Hood Street NE and Gaines Street NE.
- 11. Prior to final plat approval, the applicant shall work directly with franchise utility companies and provide any easements necessary to serve the subdivision with franchise utility services.
- 12. Prior to development on any lot, evidence shall be provided that any required State and/or Federal permits have been obtained relating to development adjacent to jurisdictional wetlands and waterways.
- 13. Prior to submittal of building permits for any lot within the proposed subdivision, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.
- 14. Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), the applicant shall obtain an ODOT Rail Crossing Order and provide the TIA recommended signage to address queuing across the Portland & Western Railroad tracks on Front Street NE as it approaches OR 99E.

RECOMMENDED CONDITIONS APPROVAL - SITE PLAN REVIEW

- 15. Prior to issuance of building permits for the mixed-use buildings located on proposed Lots 1, 2, and 3, the applicant shall obtain a Revocable License to Encroach into the right-of-way for the proposed balconies and awnings that project into the public right-of-way pursuant to SRC 76.160.
- 16. Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (*PWDS*).
- 17. The final subdivision plat shall be recorded prior to issuance of any building permits, including permits for civil site work for proposed development on each lot. The final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, and Public Works permits.
- 18. If improvements to existing structures located within the regulated AE flood zone are proposed which meet the definition of "substantial improvement" under SRC

- 601.005, the proposed improvements shall include modifications to meet the floodplain development standards in SRC Chapter 601.
- 19. The applicant shall provide a stop sign and stop bar behind the Front Street NE sidewalk at the driveway approaches serving the development site in accordance with *Public Works Design Standards*.

RECOMMENDED CONDITIONS APPROVAL – WILLAMETTE GREENWAY PERMIT

20. The applicant shall construct the Riverfront Path as a 10-foot-wide multi-use path in a 15-foot-wide easement through the proposed development as shown on the applicants site plan. The path shall be constructed in accordance with the *Public Works Design Standards*.

EXISTING CONDITIONS - INFRASTRUCTURE

The existing conditions of streets abutting the subject property are described in the following table:

Streets			
Street Name		Right-of-way Width	Improvement Width
Front Street NE	Standard:	72-feet	46-feet
(Minor Arterial)	Existing Condition:	Variable	Variable
(Willion Arterial)		60-to-98-feet	40-to70-feet
Shipping Street NE	Standard:	60-feet	30-feet
(Local)	Existing Condition:	68-feet	30-feet

The existing conditions of public infrastructure available to serve the subject property are described in the following table:

Utilities & Parks	
Туре	Existing Conditions
Water	Water Service Level: G-0 16-inch, 10-inch, and 6-inch water mains are located in Front Street NE. A 8-inch water main is located on the subject property in an easement.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Front Street NE. A 6-inch sanitary sewer main is located in on the subject property in an easement.
Storm Drainage	10-inch and 8-inch storm mains are located in Front Street NE. A 10-inch storm main is located in Shipping Street NE. A 30-inch and 10-inch storm main is located on the subject

	property in an easement.
Parks	The proposed development is served by Grant School Park, located approximately .45 miles east of the subject property and Riverfront Park, located approximately .41 miles south of the subject property.

SUBDIVISION DECISION CRITERIA

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.010(d)(1): The tentative subdivision complies with all standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

SRC Chapter 205 – Land Division and Reconfiguration

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

Finding: The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

(B) City infrastructure standards

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant

to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

SRC Chapter 200 - Urban Growth Management

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

Finding: The subject property is located inside the Urban Service Area and adequate facilities are available to serve the subdivision and subsequent development of the property. No Urban Growth Area Preliminary Declaration is required.

Acquisition of property, easements, and right-of-way:

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

Finding: As described in the analysis of SRC Chapter 802, easements are required for public access and utilities on the site. As shown on the applicant's tentative subdivision plan, there are multiple existing easements on the subject property that may conflict with required dedications. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d). The following condition is recommended:

Condition: Prior to final plat approval, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

SRC Chapter 71 – Stormwater

The proposed development is subject to SRC Chapter 71 and the *Public Works Design* Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: SRC Chapter 71.080 requires stormwater management through the use of green stormwater infrastructure for all land divisions. As part of the Site Plan Review application, the applicant's engineer has provided a preliminary stormwater management report for lots 1 through 4, described further under the Site Plan Review Decision Criteria section of this memo. For lots 5 and 6, the applicant's engineer has set aside an area to be used for future stormwater management, to be designed at time of Site Plan Review. At time of development on each lot, the applicant shall design and construct a stormwater management system meeting the requirements in SRC Chapter 71 and the Public Works Design Standards for green stormwater infrastructure. The

following condition is recommended to ensure compliance with SRC Chapter 71:

Condition: At the time of development on each lot, design and construct a storm drainage system in general compliance with *Salem Revised Code* Chapter 71 and the *Public Works Design Standards*.

SRC Chapter 802 – Public Improvements

Development to be served by City utilities:

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Finding: Development within the subdivision tentative plan will be served adequately by City water, sewer, and stormwater infrastructure upon completion of the conditions described in the analysis provided for each utility type. Private water, sewer, and storm services shall be constructed to serve each lot. Construction of facilities in the right-of-way is required prior to final plat, except as authorized in an improvement agreement per SRC 205.035(c)(7)(B). All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval.

Water –There are existing public water mains in Front Street NE available to serve the proposed subdivision and subsequent development of the property. There is an existing public water main on the subject property in an easement. This main extends from the intersection of Front Street NE and Market Street NE through the subject property north to Water Street NE. This existing water main provides a benefit to the public system by creating a pressurized loop. This main is not proposed to be removed or relocated at this time. Easements for public mains are required, as further described under the analysis for SRC Chapter 802.020 (Easements). Public water main improvements are not required.

Sanitary Sewer – There is an existing 15-inch sanitary sewer main located at the intersection of Front Street NE and Market Street NE, abutting the subject property that will serve the proposed development. The applicant's preliminary utility plan shows a common private sanitary sewer collection system to be located within the development to serve lots 1 through 4. Pursuant to SRC 802.040, staff requires the mains internal to the development to be private as they only serve the proposed development and do not serve any upstream parcels. As a condition of approval, the applicant shall construct a private sanitary sewer collection system internal to the development to serve the proposed development pursuant to SRC 802.040. The system shall be constructed to meet PWDS; however, will be maintained by the collective property owners. As such, the applicant shall provide an easement and agreement for maintenance of the system pursuant to SRC 802.040(c)(2). In order to provide sanitary sewer service to lots 1 through 4, the following condition is recommended:

Condition: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), construct a private sanitary sewer collection system internal to the development to serve lots 1 through 4, pursuant to SRC 802.040, and provide an easement and agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is approved by the Public Works Director.

There is an existing 8-inch sanitary sewer main that extends south from this main which is intended to be abandoned by the City through a Capital Improvement Project (CIP) as it is aged, damaged, and does not provide service to other properties. The applicant's plans show a connection to the 15-inch main at the intersection of Front Street NE and Market Street NE to serve a portion of the site. The plans also show a connection to the 8-inch main in Front Street NE that is slated to be abandoned. The connection to the 8-inch main in Front Street NE not permitted as the existing 8-inch main is not adequate to serve the development due to its existing condition. As a condition of approval, the applicant shall either demonstrate the properties can be served with the internal private system extending from the Market Street entrance or extend a new 8-inch public sanitary sewer main in Front Street NE from the intersection of Front Street NE to the Belmont Alley Entrance. In order to provide public sanitary sewer service to the subdivision, the following conditions is recommended:

Condition: Prior to final plat approval, the applicant shall either demonstrate the properties can be served with the private sanitary system extending from the Market Street entrance internal to the development or extend a new 8-inch public sanitary sewer main in Front Street NE from the intersection of Front Street NE to the Belmont Alley Entrance in accordance with the *Public Works Design Standards*.

The applicant's preliminary utility plan for lots 5 and 6 shows sanitary sewer service will be provided through the existing public sanitary sewer main on-site. The applicant requests this main be converted to a private collection system as it is located on the private property and does not serve any upstream parcels. Staff recommends this request be evaluated at the time of future development on lots 5 and 6 to ensure there is no need for the public sanitary sewer main to remain on-site. Pursuant to SRC 802.040, a private collection system is an option to provide adequate service to the development. At time of development on lots 5 and 6, the sanitary sewer shall either be converted to a private collection system, if approved by the Public Works Director, the applicant shall provide an easement and agreement for maintenance of the system pursuant to SRC 802.040(c)(2). In order to provide sanitary sewer service to lots 5 and 6, the following condition is recommended:

Condition: If approved by the Public Works Director, the applicant shall, at the time of development on lots 5 or 6, convert the existing public main within lots 5 and 6 to a private collection system, pursuant to SRC 802.040, and provide an

easement and agreement for maintenance of the system pursuant to SRC 802.040(c)(2), unless a public sewer is required by the Public Works Director.

Stormwater – There are existing public stormwater mains in Front Street NE available to serve the proposed subdivision and subsequent development of the property. Public stormwater improvements are not required.

There are two existing public storm mains on the subject property that provide public stormwater discharge into the Willamette River. There are two additional mapped outfalls on the subject property. A 30-inch public storm main extends from Gaines Street NE through the subject property. This main is proposed to remain on-site in an easement. A 10-inch public storm main extends from Market Street NE through the subject property. This storm main is proposed to be realigned in order to avoid conflicts with development on the subject property. Buildings and other structures are not permitted over public mains and within easements for public mains. As a condition of approval, the applicant shall relocate the public stormwater mains on-site that conflict with proposed building locations. Easements for public utility mains to remain on-site are discussed further under the analysis for SRC Chapter 802.020 (Easements). The following condition is recommended:

Condition: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall relocate public stormwater mains that are located on the subject property that conflict with development on the subject property, in an alignment approved by the Public Works Director and constructed in accordance with the *Public Works Design Standards*.

With recommended conditions, the proposed subdivision conforms to the public improvement standards of SRC Chapter 802.

Easements:

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: Any easements needed to serve the proposed lots with City infrastructure shall be shown on the final plat. As shown on the applicants plans, the subdivision requires private access and utility easements to serve each lot. The following condition is recommended:

Condition: Prior to final plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

As described in the public utility analysis, there are public water and stormwater mains on the subject property. Pursuant to SRC 802.020, easements are required to be dedicated for all public infrastructure located on the subject property. As a condition of

approval, the applicant shall dedicate easements for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements). The following condition is recommended in order to comply with SRC 802.020:

Condition: Prior to final plat approval, dedicate easements for all existing and proposed public utility (water, sewer, stormwater) infrastructure on the site to current standards in *Public Works Design Standards* Section 1.8 (Easements).

SRC Chapter 803 – Street and Right-of-way Improvements

Boundary Street Improvements:

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets as a condition of approval for subdivision applications.

Finding: The subject property has frontage on Shipping Street NE and Front Street NE. Pursuant to SRC 803.040, boundary street improvements are warranted along both frontages. Findings and conditions of approval for each street frontage are provided in the following analysis:

Shipping Street NE

Shipping Street NE abuts the property along the northern boundary. Shipping Street NE is classified as a local street according to the Salem Transportation System Plan (TSP). Shipping Street terminates before extending onto private property abutting the northern property line. Shipping Street NE has adequate right-of-way width and improvement width but lacks an adequate turnaround for a dead-end street and lacks streetscape improvements including sidewalks, street trees, and street lights. Boundary street improvements to Shipping Street SE may be delayed until time of site plan review for proposed development on lot 6, which fronts on Shipping Street NE, in order to determine the appropriate improvements for the development. The following condition is recommended to ensure future development on lot 6complies with SRC Chapter 803:

Condition: At time of development on lot 6, boundary street improvements along Shipping Street NE shall be constructed and shall comply with SRC Chapter 803 and the *Public Works Design Standards*. Specific requirements for the improvements shall be determined at time of Site Plan Review.

Front Street NE

Front Street NE abuts the property along the eastern property boundary. Front Street NE is classified as a minor arterial street according to the Salem Transportation System

Plan (TSP). Front Street NE does not meet the current right-of-way width along the entire property frontage and does not meet the improvement width standards for a minor arterial street. Front Street NE has a variable right-of-way width, lacks adequate pavement width and pedestrian improvements. Pursuant to SRC 803.040, boundary street improvements along Front Street NE are warranted.

Front Street NE contains an active railroad line that runs parallel to the vehicular travel lanes within the right-of-way and any improvements to the right-of-way are subject to Rail crossing Orders issued by the Oregon Department of Transportation (ODOT) Rail Division pursuant to ORS 824 (Railroads). Staff and the applicant's engineer have been in discussions with ODOT Rail Division as well as operators of the railroads, Burlington-Northern Santa Fe Railroad (BNSF) and Portland & Western Railroad, Inc. (PNWR) regarding improvements to the frontage of the property that will accommodate safe travel movements for all users of the right-of-way. A preliminary design for Front Street NE has been developed; however, it has not been approved through a official ODOT Rail Crossing Orders and further design work is required. Any improvements to Front Street NE are required to comply with the safety standards established by ODOT and shall be in conformance with the approved ODOT Rail Crossing Orders.

As identified in the applicants Traffic Impact Analysis (TIA), described further below, the proposed development on lots 1 through 4 of the subdivision will generate 3,802 average daily trips, which is a significant addition to the Front Street Corridor. Improvements to Front Street NE are required in order to ensure the corridor can accommodate the additional traffic and to ensure safe pedestrian, bicycle, and railroad operations can occur within the right-of-way. Functionally, a half-street improvement cannot be constructed in a manner that would provide for safe and efficient circulation for all users of Front Street NE, nor could it be feasibly constructed as a half street improvement. As a result, full street improvement is required in order to complete the railroad safety improvements along the frontage. The subject property has frontage along Front Street NE from the Mill Creek Bridge to Shipping Street NE; however, the rail line extends from the intersection of Front Street Bypass to South Street NE. The required improvements shall extend north of the subject property to South Street NE, in order to ensure functionality of the corridor is maintained and to adequately mitigate the traffic generated by the development.

Staff and the applicant's team have evaluated an interim option which would limit any driveway approaches onto Front Street NE to right-in and right-out movements, to limit conflicts with vehicles and trains within the Front Street NE right-of-way. This improvement would require a half-street improvement along the frontage of the property and pedestrian crossing improvements. These improvements would still require ODOT Rail Crossing Orders, but may allow an interim improvement to allow the development to continue and mitigate the traffic impacts generated by the development as further planning and design work continues for the corridor.

Staff finds that there are two options for boundary street improvements that should be conditioned on the development. Option 1 would require all driveway approaches

serving the subject property to be limited to right-in and right-out and a half-street improvement could be constructed that would limit vehicle railroad crossings. Option 1 would require pedestrian crossing improvements. Option 2 would allow for full movement of vehicles at all driveway approaches serving the subject property and require a full street improvement to ensure that rail crossings for all users are provided in a safe and efficient manner. Both options for construction will require approval of an Alternative Street Standard, as described below. In addition, regardless of which option the applicant elects to construct, the improvements must be approved through ODOT Rail Crossing Orders. The applicant's options are described in the following recommended condition of approval:

Condition: Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall design and construct street improvements along Front Street NE. The required improvements shall consist of one of the following options. The final design shall be approved by the Public Works Director, the Portland and Western Railroad (PNWR), the Burlington-Northern Santa Fe Railroad (BNSF), and documented with an ODOT Rail Crossing Order. If the final design is not in substantial conformance with the options listed below, the applicant shall submit a modification to the Tentative Subdivision Plan and Site Plan Review approvals.

- C. Option 1 (Half-Street Improvement with Right-in/Right-out only Movement). The improvement shall be as shown in the preliminary concept for Option 1, as provided in Attachment J, and include:
 - Construct a half street improvement along Front Street NE from the Mill Creek Bridge northerly to Shipping Street NE. The improvements shall include a 13-foot-wide southbound travel lane; on-street parking; curbs, street lighting; and a 5-foot-wide sidewalk and/or a minimum 10-foot-wide multi-use path.
 - Along the Portland and Western Railroad, construct an interim improvement along the west side of the tracks that includes a raised median along the entire property frontage from the Mill Creek bridge to Shipping Street NE. The raised median shall limit all access points to right-in/right-out only.
 - Construct ADA crosswalks at the intersections of Market Street NE, Gaines Street NE, and Hood Street NE. The crosswalks shall include ADA accessible ramps on both sides of Front Street NE, Rapid Rectangular Flashing Beacons at each crossing, appropriate signing, and a fence placed on top of the raised median to control pedestrian crossing locations. The specific locations of the crossings shall be dependent upon the decision of BNSF to keep or remove the existing railroad spur line that is located between Hood Street NE and Gaines Street SE.
 - All driveway approaches serving the site shall be limited to right-in/rightout movements; the applicant shall submit a revised a rescoped Traffic Impact Analysis evaluating the traffic movements that would be rerouted on the transportation system due to the driveways being limited to right-

in/right-out movement; and any off-site mitigation identified within the revised and rescoped Traffic Impact Analysis, including those that affect any railroad crossings, shall be constructed.

- **D.** Option 2: (Full Street Improvement with Full movement) The improvement shall be as shown in the preliminary concept for Option 2, as provided in **Attachment K**, and include:
 - Construct a full width street improvement along both sides of Front Street NE from the Mill Creek bridge northerly to South Street NE as shown in the preliminary concept plan.
 - The full width street improvements include, but are not limited to:
 - Construct a full street improvement along both sides of Front Street NE including a 13-foot-wide travel lane in both directions, curb, bike lane, sidewalk and/or a multi-use path, on-street parking, and street lighting.
 - Along the Portland and Western Railroad, construct a raised median along both sides of the track from the Mill Creek bridge to South Street NE including railroad crossing arms at the public street intersections of Market Street NE, Gaines Street NE, Hood Street NE, and Norway Street NE as identified in the preliminary concept plan.
 - Construct ADA crosswalks at the intersections of Market Street NE, Gaines Street NE, and Hood Street NE. The crosswalks shall include ADA accessible ramps on both sides of Front Street NE, Rapid Rectangular Flashing Beacons at each crossing, appropriate signing, and a fence placed on top of the raised medians to control pedestrian crossing locations. The specific locations of the crossings shall be dependent upon the decision of BNSF to keep or remove the existing railroad spur line that is located between Hood Street NE and Gaines Street NE.

Alternative Street Standards

SRC 803.065 establishes provisions to allow Alternative Street Standards when deviations from the standards for Street Improvements in SRC Chapter 803 are proposed.

Finding: As described in the following analysis for each request, Front Street NE is approved to have an Alternative Street Standard pursuant to SRC 803.065:

Request: The applicant requests an Alternative Street Standard to allow Front Street NE to exceed the maximum 600-foot block spacing standard (SRC 803.030).

Finding: SRC 803.030 (Street Spacing) establishes a maximum block length of 600-feet. Front Street NE has an existing block length along the western right-of-way line of approximately 2,865-feet from Shipping Street NE to Division Street NE. The applicant

does not propose to construct public streets through the subject property, and as such, the proposed block length for Front Street NE is approximately 2,865-feet along the western right-of-way line. In lieu of public streets extending through the site, and meeting the development standard, the applicant proposes internal drive aisles that will provide access to the development. These internal drive aisles meet the maximum 600-foot block spacing, and while not public streets, they will provide internal access and circulation for the development. The Willamette River creates a natural barrier to streets continuing to the west of Front Street NE. An Alternative Street Standard for the block length of Front Street NE is approved pursuant to SRC 803.065(a)(1) as public streets cannot extend past the development due to the Willamette River and adequate access and connectivity is provided by the internal private development.

Request: The applicant requests an Alternative Street Standard to allow a reduced half-width right-of-way along Front Street NE (SRC 803.025(a)).

Finding: Minimum right-of-way width requirements are established in SRC 803.025(a) Table 803-1. Front Street NE is classified as a minor arterial street and requires an overall right-of-way width of 72-feet, or a 36-foot-wide half-width right-of-way. As shown on the applicants tentative subdivision plat, the existing half-width right-of-way of Front Street NE along the property frontage varies from 30-feet to 46.5-feet. The applicant requests the exiting half-width right-of-way to remain and that no additional right-of-way is dedicated where the existing half-width does not meet the minimum standard. As described above, preliminary plans have been established for improvements to the Front Street corridor, and additional right-of-way is not required to accommodate these improvements. Pursuant to SRC 803.065(a)(3), an Alternative Street Standard is approved to allow a reduced half-width right-of-way along Front Street NE as the additional right-of-way is not necessary.

Request: The applicant requests an Alternative Street standard to allow Front Street NE to deviate from the improvement standards established in SRC 803.025(b) and SRC 803.035.

Finding: As described in the above analysis, Front Street NE will be improved to an alternative cross section that can accommodate an active railroad line running within the right-of-way. The street will not meet the typical cross section for a Minor Arterial Street within the *Public Works Design Standards*; however, the street will provide adequate pedestrian, bicycle, vehicular, and rail access within the right-of-way and will meet the intent of the standards. The final cross section of Front Street NE is subject to approval by the ODOT Rail Division through an official Rail Order, as identified in the conditions of approval recommended in this report. An Alternative Street Standard for the cross section of Front Street NE is approved pursuant to SRC 803.065(a)(3) to allow Front Street NE to be constructed in a manner that is approved by ODOT Rail and the City of Salem Public Works Department.

Request: The applicant requests an Alternative Street Standard to eliminate the requirement to plat a 10-foot Public Utility Easement along Front Street NE (SRC

803.035(n)).

Finding: SRC 803.035(n) requires dedication of up to a 10-foot Public Utility Easement (PUE) along street frontages to accommodate franchise utility providers equipment. The applicant requests to eliminate the requirement to dedicate a PUE along Front Street NE in order to construct proposed buildings with a 2.5-foot setback from the Front Street NE right-of-way. The subject property is located in the Mixed-Use Riverfront (MU-R) zone, which requires a 0-to-10-foot setback for buildings. Due to the setback requirements of the MU-R zone which require buildings to be constructed adjacent to the street, an Alternative Street Standard is recommended to be approved, pursuant to SRC 803.065(a)(3), with the recommended condition of approval to eliminate the 10foot PUE requirement along Front Street NE. Franchise Utility Providers are provided notice of the development and at time of writing this memo, no Franchise Utility Providers have requested dedication of a PUE. Staff finds that in order to accommodate the required building setbacks, the PUE may be eliminated, unless otherwise requested by a Franchise Utility Company. In order to ensure the requested alternative street standard otherwise fulfills the intent of SRC 803.035(n), the following condition of approval is recommended:

Condition: Prior to final plat approval, the applicant shall work directly with franchise utility companies and provide any easements necessary to serve the subdivision with franchise utility services.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

SRC Chapter 601 – Floodplain

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and determined that the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain and Floodway. Development within the floodplain requires a floodplain development permit, requirements for which are described further in the Site Plan Review section of this report.

SRC Chapter 809 - Wetlands

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of

appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

Finding: The Salem-Keizer Local Wetland Inventory shows that there are linear wetland channels, the Willamette River and Mill Creek, mapped on and adjacent to the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. In response to the required Wetlands Notice, DSL indicated that there may be jurisdictional wetlands on the subject property that are impacted by the proposed development. DSL requires a Wetlands Delineation in order to determine if a State-Removal Permit is required for the proposed development. The DSL response also indicates that a Federal Permit from the Army Corps of Engineers may be required for work within the waterways of Mill Creek or the Willamette River. As a condition of approval, the applicant shall demonstrate they have performed a wetlands delineation for the property and obtained DSL Concurrence for the findings within the wetlands delineation. The applicant shall obtain any necessary State and Federal Permitting prior to any ground disturbing activity on the subject property in order to minimize the impacts of development on jurisdictional wetlands and waterways. The following condition is recommended:

Condition: Prior to development on any lot, evidence shall be provided that any required State and/or Federal permits have been obtained relating to development adjacent to jurisdictional wetlands and waterways.

SRC Chapter 810 – Landslide Hazards

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by GeoEngineers and dated March 24, 2023, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing geotechnical considerations listed within the report. In order to ensure development on the subject property complies the recommendations within the Geotechnical Report and SRC Chapter 810, the following condition is recommended:

Condition: Prior to submittal of building permits for any lot within the proposed

subdivision, the developer shall provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for each individual building lot.

SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.

Finding: The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and are adequate to serve the lots within the proposed subdivision, subject to the conditions of approval established in this decision. This approval criterion is met.

SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Finding: As described in the findings above, the subject property is located adjacent to Front Street NE, which is classified as a minor arterial street under the City's *Transportation System Plan* (TSP). The subject property is also located adjacent to Shipping Street NE, classified as a local street according to the TSP. The conditions of approval established with the subdivision decision will require improvements along the boundary streets of the property in order to comply with the Salem TSP. This criterion is met.

SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding: Access to the proposed subdivision will be provided by the network of existing public streets that surround the property. Conditions of approval establish requirements to ensure boundary street improvements are constructed to address railroad safety concerns within the Front Street NE right-of-way. With the conditions of approval established in this decision, the street system in and adjacent to the subdivision will provide for the safe, orderly, and efficient circulation of traffic to and from the subdivision. This criterion is met.

SRC 205.010(d)(6): The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Finding: The proposed development is served by Grant School Park, located approximately .45 miles east of the subject property and Riverfront Park, located approximately .41 miles south of the subject property. Access to these parks is available within the existing transportation system. This criterion is met.

SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.

Finding: Pursuant to SRC 803.015(b)(1) a Traffic Impact Analysis (TIA) is required. As part of the application package, the applicant submitted a TIA prepared by Lancaster Mobley and dated June 3, 2024 with an addendum dated July 24, 2024. The TIA was produced for the Mixed-use Development portion of the subdivision on lots 1 through 4. Because the uses of lots 5 and 6 are unknown at this time, the TIA does not account for the buildout of those lots. At time of future development on lots 5 and 6, if the applicability criteria for requiring a TIA under SRC 803.015(b) are met, a TIA will be required.

The TIA and addendum establish that the proposed development on lots 1 through 4 of the subdivision will generate 3,802 average daily trips, which is a significant addition to the Front Street Corridor. The TIA reviews available crash data, queuing times, intersection operations and safety and provides mitigation recommendations. The TIA does not address the required half-street improvement along Front Street NE and the safety recommendations relating to the Railroad that lies within Front Street NE; these are addressed through the recommended conditions of approval relating to Boundary Street Improvements required under SRC 803.040. Based on the operations and safety analysis within the TIA, the following three mitigation measures are recommended:

• Recommendation 1: Alternative performance measures, such as using average hourly operations, which meet the level of services (LOS) standard and/or traffic simulations of delay, which meet the delay standards are recommended for the Market Street/Center Access & Front Street intersection. Although traffic control changes were considered, all-way stop control would significantly increase overall intersection delay, traffic signal warrants are not satisfied with the forecast traffic volumes, and a roundabout is not considered feasibly because of the PWRR line that runs through the intersection.

Staff Response: The applicant's Traffic Engineer recommends a new performance measure, relating to Operation Standards, which would require an amendment to the Public Works Design Standards (PWDS), which establish TIA drafting standards. The City does not have plans to amend established performance standards. Staff finds that the boundary street improvement conditions previously discussed will adequately address operations at the Market Street Entrance to the development.

Recommendation 2: To address existing and future queuing across the Portland & Western Railroad (PWRR) tracks on Front Street NE as it approaches OR 99E, signage, such as "DO NOT SOTP ON TRACKS" (Sign R8-8)) is recommended per MUTCD guidance. This recommendation is independent of the proposed project.

Staff Response: Staff recommends that as a condition of approval, the applicant

shall obtain an ODOT Rail Crossing Order and provide the recommended signage to address queuing across the *Portland & Western Railroad (PWRR) tracks on Front Street NE as it approaches OR 99E.*

Recommendation 3: The posted speed on Front Street NE is currently 35 mph which is typical for a minor arterial roadway; however, the proposed development and reconfiguration on Front Street NE supports consideration of a lower posted speed more appropriate for the active commercial area. Changing a speed zone is a complex process but should be considered as a long-term option for Front Street NE along the sight frontage.

Staff Response: Development approvals cannot be conditioned to change speeds as those changes are required to go through the Oregon Department of Transportation (ODOT) process for changing speed limits. This process requires an ODOT engineering investigation and approval from the state traffic roadway engineer. Staff does not recommend this mitigation as a condition of approval on the development but acknowledges that this mitigation is identified and will review speed limits during the overall Front Street Corridor planning process as redevelopment in the area continues.

In order to comply with the TIA and SRC 803.015(c), the following condition of approval is recommended:

Condition: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), the applicant shall obtain an ODOT Rail Crossing Order and provide the TIA recommended signage to address queuing across the Portland & Western Railroad tracks on Front Street NE as it approaches OR 99E.

The Assistant City Traffic Engineer has reviewed the TIA and concurs with its findings and recommended mitigation relating to queuing signage. Other mitigation measures are not recommended to be conditioned on the development, as discussed above. With the listed conditions of approval, the tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis.

SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Finding: The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. This criterion is not applicable.

SITE PLAN REVIEW DECISION CRITERIA

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (Unified Development Code

Finding— As proposed and conditioned in the findings within the memo for the consolidated applications, the development meets all the applicable standards in the UDC as follows:

SRC Chapter 76.160 (Encroachments into Public Right-of-Way):

In order to ensure there is no interference with the public use of the right-of-way, encroachments into the public right-of-way are prohibited. However, the Public Works Director may authorize an encroachment into the public right-of-way pursuant to the conditions established in SRC 76.760.

The applicants site plan shows balconies and awnings that project into the public right-of-way of Front Street NE. Pursuant to SRC 76.160 encroachments into the public right-of-way are not permitted without a Revocable License to Encroach, approved by the Public Works Director. Structural elements of the building, including foundations, posts, and roofs are not permitted to encroach into the right-of-way. As a condition of approval, the applicant shall be required to obtain a revocable license to encroach into the public right-of-way for proposed balconies and awnings. In order to ensure the conditions of SRC 76.160 are met, the following condition is recommended:

Condition: Prior to issuance of building permits for the mixed-use buildings located on proposed Lots 1, 2, and 3, the applicant shall obtain a Revocable License to Encroach into the right-of-way for the proposed balconies and awnings that project into the public right-of-way pursuant to SRC 76.160.

SRC Chapter 71 – Stormwater:

The proposed development is subject to SRC Chapter 71 and the Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: Development on the subject property requires treatment and detention of stormwater by the use of Green Stormwater Infrastructure. The applicant's engineer provided a Preliminary Stormwater Report, dated March 6, 2024, as part of the Site Plan Review application. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. In order to ensure the system is designed and constructed in accordance with SRC Chapter 71 and the Public Works Design Standards, the following condition applies:

Condition: Design and construct a storm drainage system at the time of

development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

SRC 802 - Public Improvements:

Development to be served by City utilities:

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan and as established in the conditions of approval for the Subdivision, described in the preceding analysis. Conditions of approval establish that the subdivision conditions be satisfied before building permits are issued, as utility infrastructure improvements are conditioned on the subdivisions application to serve each lot within the subdivision and the proposed mixed-use development. To ensure development on the property is adequately served, the following condition of approval is recommended:

Condition: The final subdivision plat shall be recorded prior to issuance of any building permits, including permits for civil site work for proposed development on each lot. The final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, and Public Works permits.

SRC 803 – Street and Right-of-way Improvements

Boundary Street Improvements

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for certain development.

Finding: Boundary street improvement requirements are discussed in the preceding analysis and conditioned on the Subdivision application. Staff recommends that the subdivision conditions be satisfied before building permits are issued, as transportation improvements are conditioned on the subdivisions application to ensure the boundary streets of the property meet the requirements in SRC Chapter 803.

SRC Chapter 804 - Driveway Approaches:

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: The applicant proposes three (3) new driveway approach onto Front Street NE and has applied for Class 2 Driveway Approach Permits; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. In conjunction with the Class 2 Driveway Approach Permit, the applicant has requested Class 2 Adjustments for driveway spacing and Class 2 Adjustments for Vision Clearance at each driveway approach serving the property, the findings for which are provided in this memo. With approval of the Class 2 Driveway Approach Permits and Class 2 Adjustments, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

SRC Chapter 805 – Vision Clearance:

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Finding: The applicant proposes three (3) new driveway approaches onto Front Street NE. Vision Clearance standards are met at the Gaines Street Entrance onto Front Street NE. The driveway approaches at the Market Street and Belmont Alley Entrances onto Front Street NE do not meet the vision clearance standards established in SRC 805.005(b)(1)(B) for driveway approaches serving commercial uses. The Applicant has submitted a Class 2 Adjustment to deviate from the Vision Clearance standards, findings for which are provided in this memo. With approval of the adjustment for Vision Clearance, the development complies with SRC Chapter 805 relating to Vision Clearance.

Natural Resources:

SRC 601 – Floodplain: Development in the floodplain shall be regulated to preserve and maintain conveyance of flood water discharges and to minimize danger to life and property.

Finding: Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain and floodway. A portion of the subject property was removed from the AE floodplain through a Letter of Map Revision (LOMR), approved by FEMA and effective May 30, 2024 (LOMR Case No. 24-10-0325A). Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. The new structures are not being constructed within the revised

floodplain area; however, there are two existing structures located on the subject property that will be repurposed and remain located within the regulated AE flood zone area.

Pursuant to SRC 601.075, when a structure is improved and meets the "Substantial Improvement" definition in SRC Chapter 601.005, the structure must comply with the floodplain development standards in SRC Chapter 601. At time of building permit, the application will be evaluated to determine if the proposed improvements to existing structures in the floodplain meet the definition of "Substantial Improvement". If the definition of "Substantial Improvement" in SRC Chapter 601.005 is met, the applicant shall submit an elevation certificate for the existing structure confirming existing finish floor elevations. Any necessary modifications to the existing structures shall be made to comply with the floodplain development requirements in SRC Chapter 601. To ensure compliance with SRC Chapter 601, the following condition is recommended:

Condition: If improvements to existing structures located within the regulated AE flood zone are proposed which meet the definition of "substantial improvement" under SRC 601.005, the proposed improvements shall include modifications to meet the floodplain development standards in SRC Chapter 601.

Criteria: SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately

Finding— Recommended improvements to the transportation system are discussed in the preceding analysis for the Subdivision. With the recommended conditions of approval for the proposed subdivision, this criterion is met. Staff recommends that the subdivision conditions be satisfied before building permits are issued, as transportation improvements are conditioned on the subdivision application to serve the proposed development.

Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding—The proposal includes three (3) new driveway approaches onto Front Stret NE that provide vehicular access to the development. New sidewalks are provided along Front Street NE, where none currently exist, and sidewalks will be provided internal to the development. With recommended conditions of approval for the subdivision that establish improvement to Front Street NE and the existing railroad line, the driveway accesses onto Front Street NE will provides for safe turning movements into and out of the property. In addition, to ensure vehicle and pedestrian conflicts are reduced, staff recommends a condition of approval that requires stop signs and stop bars behind the Front Street NE sidewalk at each of the three (3) new driveway approaches serving the site. This condition will ensure that driveways facilitate safe and efficient movement of vehicles and limit conflicts with pedestrian and bicycles using

adjacent facilities. Staff recommends the following condition of approval to ensure compliance with SRC 220.005(f)(3)(C):

Condition: The applicant shall provide a stop sign and stop bar behind the Front Street NE sidewalk at the driveway approaches serving the development site in accordance with *Public Works Design Standards*.

Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding— The Development Services Division reviewed the proposal and determined that subsequent to the construction of City infrastructure required to serve the proposed subdivision as recommended to be conditioned under Subdivision Tentative Plan of this report, water, sewer, and stormwater facilities will be adequate to serve the proposed development and this approval criterion will be met.

CLASS 1 ADJUSTMENT DECISION CRITERIA

The applicant proposes three (3) driveway approaches onto Front Street NE. The applicant has requested a Class 1 adjustment to reduce the driveway spacing between the proposed driveway approaches at the Gaines Street Entrance and the Market Street Entrance to less than the minimum required 370 feet (SRC 804.035(d)). Analysis of the proposed Class 1 adjustment based on relevant criteria in SRC 250.005(d)(1) is as follows:

SRC 250.005(d)(2)(A)(1): The purpose underlying the specific development standard proposed for adjustment is:

A)The purpose underlying the specific development standard proposed for adjustment is:

(i)Clearly inapplicable to the proposed development; or (ii)Clearly satisfied by the proposed development.

Finding: The applicant requests a Class 1 Adjustment to SRC 804.035(d) to reduce the required driveway spacing from 370-feet to 332-feet between the Market Street Entrance and the Gaines Street Entrance driveway approaches. The request to deviate only five percent from numerical development standard is less than 20 percent, and therefore classifies as a Class 1 Adjustment.

The intent of the spacing standard is to reduce vehicle conflicts for movements onto Arterial Streets. The Driveway approaches are sited in a way that creates a uniform intersection with both Market Stret NE and Gaines Street NE. By aligning the driveway approaches at the intersection, the driveways are not off-set from each other, which can increase vehicle turning conflicts. The Assistant City Traffic Engineer has reviewed the site plan and recommends the driveway approaches be sited to create uniform

intersections, even though the spacing standards are not satisfied, in order to minimize vehicle turning movement conflicts. Staff finds that the intent of the standard is satisfied by the proposed development and recommend approval of the Class 1 Adjustment for Driveway Spacing between the Market Street and Gaines Street Entrances to the development.

CLASS 2 ADJUSTMENT DECISION CRITERIA

Analysis of the proposed Class 2 adjustments relating to Public Works Infrastructure are based on relevant criteria in SRC 250.005(d)(2), as follows:

SRC 250.005(d)(2)(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.

Request: Reduce the driveway spacing between the proposed driveway approaches at the Belmont Alley and the Market Street Entrance to less than the minimum required 370 feet (SRC 804.035(d))

Finding: The applicant requests a Class 2 Adjustment to SRC 804.035(d) to reduce the required driveway spacing from 370-feet to 262-feet between the Belmont Alley Entrance and the Market Street Entrance driveway approaches. The driveway approaches serving the site are placed in a way to create uniform intersections with public streets on the opposite side of Front Street NE. The Assistant City Traffic Engineer has reviewed the site plan and recommends the driveway approaches be sited to create uniform intersections, even though the spacing standards are not satisfied, in order to minimize vehicle turning movement conflicts. The intent of the spacing standard is to reduce vehicle conflicts for movements onto Arterial Streets. The proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

Request: Allow an alternative vision clearance area standard, pursuant to SRC 805.015, for the proposed driveway approach at the Market Street Entrance (SRC 805.015)

Request: Allow an alternative vision clearance area standard, pursuant to SRC 805.015, for the proposed driveway approach at the Belmont Alley (SRC 805.015)

Finding: The intent of vision clearance standards is to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways. Standards typically require a 10-by-50-foot vision clearance area for a driveway approach serving a commercial use (SRC 805.005(b)(1)(B)). However, SRC 805.015 allows alternative vision clearance standards when the proposal clearly satisfies the purpose of the standard. The applicant proposes an alternative vision

clearance standard to allow a 10-by-10-foot vision clearance area for the driveway at the Market Street Entrance and Belmont Alley driveway approaches. The applicant's Traffic Impact Analysis (TIA) establishes that adequate stopping sight distance for vehicles is provided at the approaches and the applicants proposal satisfies the intent of the development standard. Under the Site Plan Review approval criteria, Staff recommends that the applicant provide a stop sign and stop bar behind the sidewalk in Front Street NE to ensure vehicles stop before entering the sidewalk, to ensure adequate virility is provided. Staff finds that the proposed adjustment equally meets the intent of the development standard by ensuring adequate sight distance is provided for the driveway approaches, subject to a condition of approval requiring signage and striping at the entrance.

CLASS 2 DRIVEWAY APPROACH PERMIT DECISION CRITERIA

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

The applicant proposes three (3) new driveway approaches onto Front Street NE, subject to Class 2 Driveway Approach Permits:

- 1. Driveway Approach 1: Labeled on the applicant site plan as the "Gaines Street Entrance";
- 2. Driveway Approach 2: Labeled on the applicant site plan as the "Market Street Entrance"; and,
- 3. Driveway Approach 3: Labeled on the applicants site plan as the "Belmont Alley".

As described in the following findings, the three (3) driveway approaches meet the approval criteria for a Class 2 Driveway Approach.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The applicant has requested Class 1 and Class 2 Adjustments for driveway spacing and Class 2 Adjustment for Vision Clearance at the driveway approaches serving the development site. With approval of the requested adjustments, the proposed driveways meets the standards of SRC Chapter 804 and Public Works Design Standards (PWDS). This criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: Development Services has reviewed the proposed driveway locations and determined that no site conditions exist prohibiting the location of the proposed driveways. This criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The applicant proposes three (3) driveway approaches onto Front Street NE, classifies as a minor arterial street according to the Salem Transportation System Plan (TSP). The development site has more than 370-feet of frontage on an arterial street, as such, multiple driveway approaches are permitted through the Class 2 Driveway Approach Permit process (SRC 804.035(a)(1)(A)). The applicant proposes the minimum number of driveway necessary to serve the development and has provided a Traffic Impact Analysis that demonstrates the driveway approaches will provide for safe circulation in and out of the development. This criterion is met.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

- (A) Is shared with an adjacent property; or
- (B) Takes access from the lowest classification of street abutting the property

Finding: The development will be on proposed lot 1 through 4 of a proposed subdivision. Upon recording of the subdivision plat, lots 1 through 4 will only have frontage on an arterial street, Front Street NE. Shared access through lots 5 and 6 is not proposed as development of those properties is unknown at this time. This criterion is met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The applicant has requested a Class 2 Adjustment to the vision clearance standards for the Market Street Entrance and Belmont Alley driveway approaches. The driveway approach at the Gaines Street Entrance meets the vision clearance standards in SRC Chapter 805. With approval of the requested adjustment to vision clearance standards, this criterion is met.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: With recommended conditions of approval relating to improvements along Front Street NE to address railroad safety concerns as well as conditions requiring signage and striping, Development Services' analysis of the proposed driveways indicates that they will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant

adverse impacts to the vicinity.

Finding: Development Services' analysis of the proposed driveways and the evidence that has been submitted indicate that the location of the proposed driveways will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The proposed driveway approaches are located on a minor arterial street and minimize the impact to adjacent streets and intersections by creating uniform intersections with streets on the opposite of Front Street NE. The proposed driveway approaches in the proposed location will minimize the impacts to the functionality of adjacent streets and intersections, with recommended conditions of approval relating to the boundary street improvements along Front Street NE that address railroad safety concerns. This criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The subject property is zoned Mixed-Use Riverfront (MU-R). The proposed driveway approaches are not located in the vicinity of a residentially zoned area. The driveways will not have an effect on the functionality of the adjacent streets. This criterion is met.

WILLAMETTE GREENWAY DECISION CRITERIA

SRC 600.015(e)(2) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 600.015(e)(2)(A): The proposed intensification, development, or change of use is consistent with:

(i)The Willamette River Greenway Plan;

Finding: Not applicable to Development Services review.

(ii)The Willamette Greenway Riparian Buffer Enhancement Guide;

Finding: Not applicable to Development Services review.

(iii)The applicable standards of this chapter;

SRC 600.025 - Development Standards

Willamette Greenway development standards are established in SRC 600.025. Development standards related to Development Services' review are described in the following findings:

SRC 600.025(a) - General Standards:

Finding: SRC 600.015(d)(5) requires a report by a certified engineering geologist or geotechnical engineer demonstrating that the standards specified in SRC 600.025(a)(2) have been met. This report ensures that the proposed development will not adversely affect the stability of the land area between the ordinary low water line and the Willamette Greenway Boundary. A Geotechnical Engineering Report, prepared by GeoEngineers and dated March 24, 2023, was submitted to the City of Salem. In addition, the applicant submitted a memorandum from Central Geotechnical Services, dated July 19, 2024. The findings within the Geotechnical Engineering Report and supplemental memorandum establish that he proposed development will not adversely affect the stability of the land area. Conditions of approval on the Subdivision Tentative Plan require documentation of construction monitoring activities for all site earthwork and that addresses the geotechnical considerations for each individual building lot. This will ensure that all construction activities on the site occur in a manner that ensures that the proposed development will not adversely affect the stability of the land area between the ordinary low water line and the Willamette Greenway Boundary.

SRC 600.015(d)(6) requires a report by a registered professional engineer detailing the hydraulic and flood carrying capacity of the river. This ensures that development standards of SRC 600.025(a)(3) and SRC 600.025(a)(4) are met. Specifically, the report shall ensure the hydraulic effect of the Willamette River on the bank are considered and that the flood carrying capacity of the river is not negatively impacted. The applicant's engineer submitted a Flood Capacity Memo that described the proposed development will not have an impact on the flood carrying capacity of the river.

The applicable general development standards are satisfied by the information submitted as part of the application package. Staff finds that the proposed development, with conditions, is in general conformance with the standards in SRC 600.025(a).

SRC 600.025(c) – Water Quality

Finding: SRC 600.025(c)(3)(C) establishes mitigation measures for off-street parking areas relating to stormwater quantity and quality. The applicant has submitted a preliminary stormwater management report that demonstrates the use of green stormwater management to the maximum extent feasible, as required by SRC Chapter 71 and the *Public Works Design Standards (PWDS)*. The application has been conditioned to comply with the standards in SRC Chapter 71 and the *Public Works Design Standards (PWDS)*. Staff finds the development proposal is in general compliance with the water quality standards of SRC 600.025(c) with the established conditions of approval.

Public Access

SRC 600.025(h) requires dedication of right-of-way or easements for public access to the Willamette River. The Salem Transportation System Plan and Parks System Master Plan identify the Willamette Riverfront off-street multi-use path will run through the subject property. The applicants preliminary site plan shows the path will be constructed within the proposed development and public access will be provided through dedication of easements for the path. In order to provide public access for the to the Willamette Riverfront off-street multi-use path through the site, as required by SRC 600.025(h), the following condition is recommended:

Condition: The applicant shall construct the Riverfront Path as a 10-foot-wide multi-use path in a 15-foot-wide easement through the proposed development as shown on the applicant's site plan. The path shall be constructed in accordance with the *Public Works Design Standards*.

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

Finding: The applicant has submitted a preliminary stormwater management report that demonstrates the use of green stormwater management to the maximum extent feasible, as required by SRC Chapter 71 and the *Public Works Design Standards* (*PWDS*). The application has been conditioned to comply with the standards in SRC Chapter 71 and the *Public Works Design Standards* (*PWDS*). This criterion is met.

SRC 600.015(e)(2)((B)The proposed intensification, development, or change of use complies with all applicable development standards in the UDC.

Finding: As described in the written findings for the Subdivision and Site Plan Review applications consolidated with the Willamette Greenway Permit, with recommended conditions of approval, the proposed development complies with all applicable standards of the UDC.

SRC 600.015(e)(2)((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.

Finding: Not applicable to Development Services review.

Prepared by: Laurel Christian, Infrastructure Planner III

cc: File

Attachment H



Business & Support Services 2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309 503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

September 17, 2024

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

RE: Land Use Activity Case No. WGP-SUB-SPR-ADJ-DAP24-01, 1100 to 1400 Block of Front St NE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Grant	Elementary	K thru 5
Parrish	Middle	6 thru 8
North Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Grant	Elementary	453	400	113%
Parrish	Middle	653	829	79%
North Salem	High	2,117	2,248	94%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multifamily (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary			0.164	63
Middle	382	MF	0.085	32
High			0.096	37

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll. /Cap. Ratio
Grant	Elem.	453	0	63	63	400	129%
Parrish	Mid.	653	22	32	54	829	85%
North Salem	High	2,117	109	37	146	2,248	101%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation		
Grant (See Note 1)	Elementary	Eligible for School Transportation		
Parrish	Middle	Walk Zone		
North Salem	High	Walk Zone		

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	63	\$87,035	\$5,483,205
Middle	32	\$106,854	\$3,419,328
High	37	\$126,672	\$4,686,864
TOTAL			\$13,589,397

Table 6

Note 1: This area is designated a Hazardous Walk Zone, so school transportation would need to be provided for the elementary school grade level. A new school bus stop will need to be created. New bus routes will need to be created for the elementary school level. Due to the Hazardous Walk Zone for the elementary school level, we recommend that a safe walk path be developed to allow for a designated school bus stop, or school bus pullout location.

^{*}Estimates based on average of Indicative Construction Costs from "RLB Construction Cost Report North America Q2 2024"

Sincerely,

David Fridenmaker Business and Support Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation

Bryce Bishop

From: Jason Sims <jsims@gwrr.com>

Sent: Monday, September 16, 2024 4:40 PM

To: Zachery Cardoso Cc: Bryce Bishop

Subject: RE: Request for Comments - Case No. WGP-SUB-SPR-ADJ-DAP24-01 for 1100 to 1400

Block of Front St NE

Hello Zachary,

See response in snip below from the Portland & Western Railroad.

<u>CASE MANAGER:</u> Bryce Bishop, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Rooi Salem, OR 97301; Phone: 503-540-2399; E-Mail: <u>bbishop@cityofsalem.net</u>.

For information about Planning in Salem, please visit: http://www.cityofsalem.net/planning

PLEASE CHECK THE FOLLOWING ITEMS THAT APPLY:

 We have reviewed the proposal and have no comment 		1.	We	have	reviewed	the	proposa	and	have no	comment
---	--	----	----	------	----------	-----	---------	-----	---------	---------

X 2. We have reviewed the proposal and have the following comments:

We take no exception to the concept plan level of engineering with respect to the Front Ave. interrailroad. The concept plan will need to be developed in to final plans with ODOT Rail Exhibits prewill need to be approved by ODOT Rail, BNSF, the City, and PNWR.

need to be approved by ODOT Rail, bitor, the city, and I item.

Name/Agency: Tom Wiser, representing the Portland & Western Railroad

Address: 22750 SW Miami Drive, Tualatin, OR 97062

Email: tom@wiserrail.com

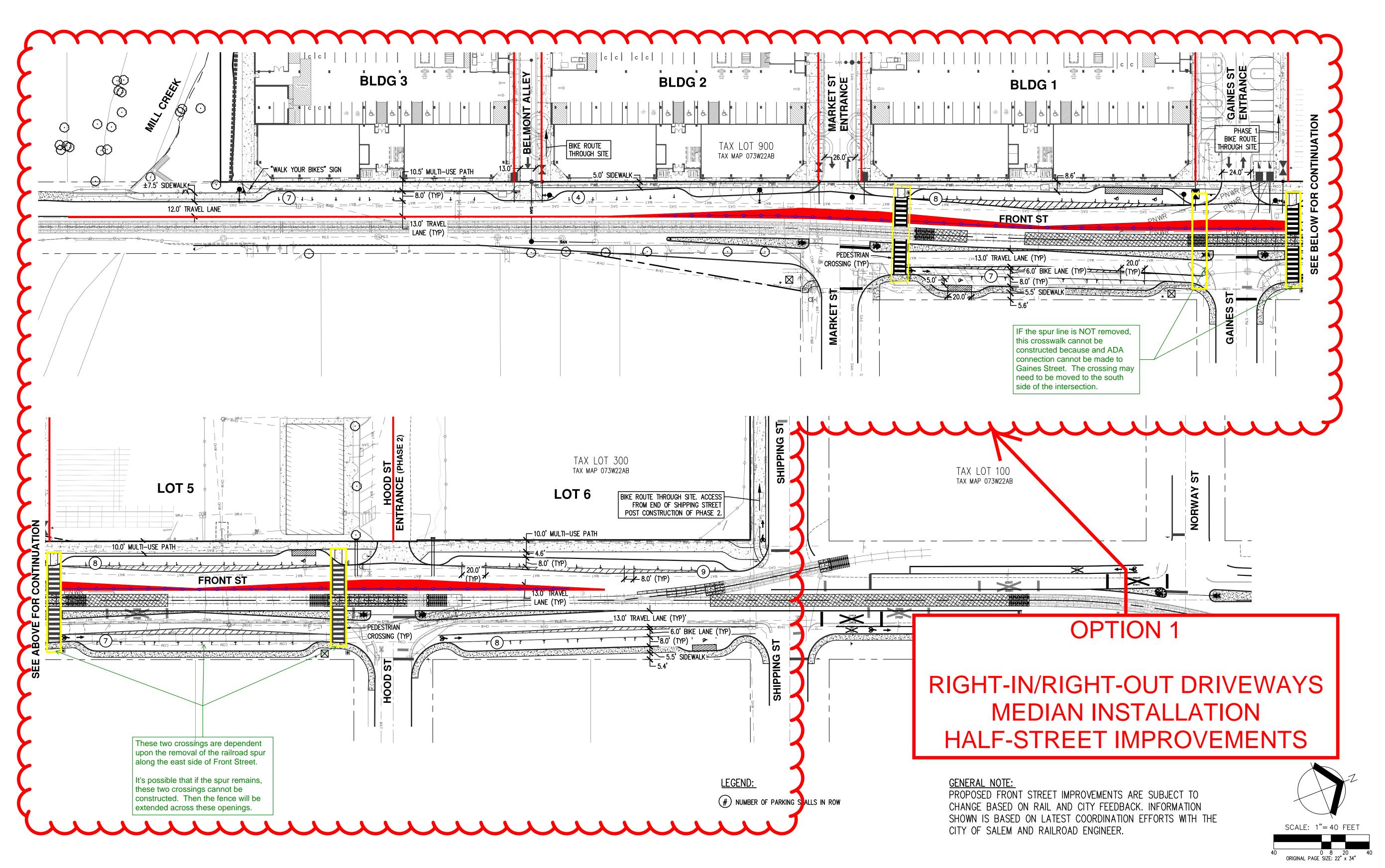
Phone No.: 503-691-6095

Date: 9/16/2024

IMPORTANT: IF YOU MAIL YOUR COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-I

Jason Sims AVP - Engineering Genesee & Wyoming Inc. American Region jsims@gwrr.com

Attachment J (J



RERING & FORESTRY, LLC
R 97303
028
-ENG.COM
ERING · SURVEYING · NATURAL RESOUR

AP 07.3W.22AB 37 015 300, 600, 900 KE ACT PURCHASER: 50 WW THOMAS RD, WW

TAX MAP 07.3W.22AB
TAX LOTS 300, 600, 90
CONTRACT PURCHASER:
FUND
15017 THOMAS RD,
CHARLOTTE, NC 28278

PRELIMINARY FRONT ST IMPROVEMENTS
THE CANNERY

OREGON CRENEWS: DECEMBER 31, 2024

 JOB NUMBER:
 5968-01

 DATE:
 07/26/2024

 DESIGNED BY:
 TDR

 DRAWN BY:
 MJM

 CHECKED BY:
 TDR

