


**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*.

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/right-out 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.

**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:

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

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

<b>Utilities &amp; Parks</b>	
<b>Type</b>	<b>Existing Conditions</b>
<b>Water</b>	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.
<b>Sanitary Sewer</b>	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.
<b>Storm Drainage</b>	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.
<b>Parks</b>	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.
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**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 6 complies 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/right-out 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 10-foot 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 Street 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 provide 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 Street 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 applicant's 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 visibility 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 the 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