

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame  
503-588-6173*

## DECISION OF THE HEARINGS OFFICER

**CLASS 2 WILLAMETTE GREENWAY PERMIT / SUBDIVISION 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**

**APPLICATION NO.: 24-106451-PLN**

**NOTICE OF DECISION DATE:** October 4, 2024

**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)."

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

**LOCATION:** 1100 to 1400 Block of Front St NE

**CRITERIA:** Salem Revised Code (SRC) Chapters 600.015(e)(2) – Class 2 Willamette Greenway Permit; 205.010(d) – Subdivision Tentative Plan; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 250.005(d)(1) – Class 1 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit

**FINDINGS:** The findings are in the attached Decision dated October 4, 2024.

**DECISION:** The **Hearings Officer APPROVED** Class 2 Willamette Greenway Permit / Subdivision 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 subject to the following conditions of approval:

A. **APPROVE** the Class 2 Willamette Greenway Development Permit subject to the following conditions of approval:

**Condition 1:** The colors for Buildings 3, 4, 5 and 6 shall be from within the natural earth or leaf tone 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 dedication of public access and/or utility easements, the applicant shall provide evidence that the area subject to the easement is 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 that benefits Lots 1 through 4 with 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 of 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 existing 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 public utility (water, sewer, stormwater) infrastructure on the site that is planned to remain. Prior to final occupancy, the applicant shall dedicate easements for access and infrastructure specific to serve each building on the site. Easements for public access and infrastructure shall meet the 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 construct street improvements along Front Street NE. The required improvements shall consist of one of the following options. Prior to final plat approval, 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.

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 shown in Attachment J to the staff report, and shall include:

1. 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.
2. 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 NE.
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.

Option 2: (Full street improvement with full movement). The improvement shall be as shown in the preliminary concept for Option 2, as shown in Attachment K to the staff report, and shall 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 or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall work directly with franchise utility companies and provide a plan and 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 the site earthwork for each building lot 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 of Table 536–6 of SRC 536.015(g):
- 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. The final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, Civil Site Work, 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 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

The rights granted by the attached decision must be exercised, or an extension granted, by the dates listed below, or this approval shall be null and void.

Class 2 Willamette Greenway Permit:	<u>October 22, 2026</u>
Subdivision Tentative Plan:	<u>October 22, 2026</u>
Class 3 Site Plan Review:	<u>October 22, 2028</u>
Class 2 Adjustment:	<u>October 22, 2028</u>
Class 1 Adjustment:	<u>October 22, 2028</u>
Class 2 Driveway Approach Permit:	<u>October 22, 2028</u>

Application Deemed Complete:	<u>September 3, 2024</u>
Public Hearing Date:	<u>September 25, 2024</u>
Notice of Decision Mailing Date:	<u>October 4, 2024</u>
Decision Effective Date:	<u>October 22, 2024</u>
State Mandate Date:	<u>January 1, 2025</u>

Case Manager: Bryce Bishop, [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net), 503-540-2399

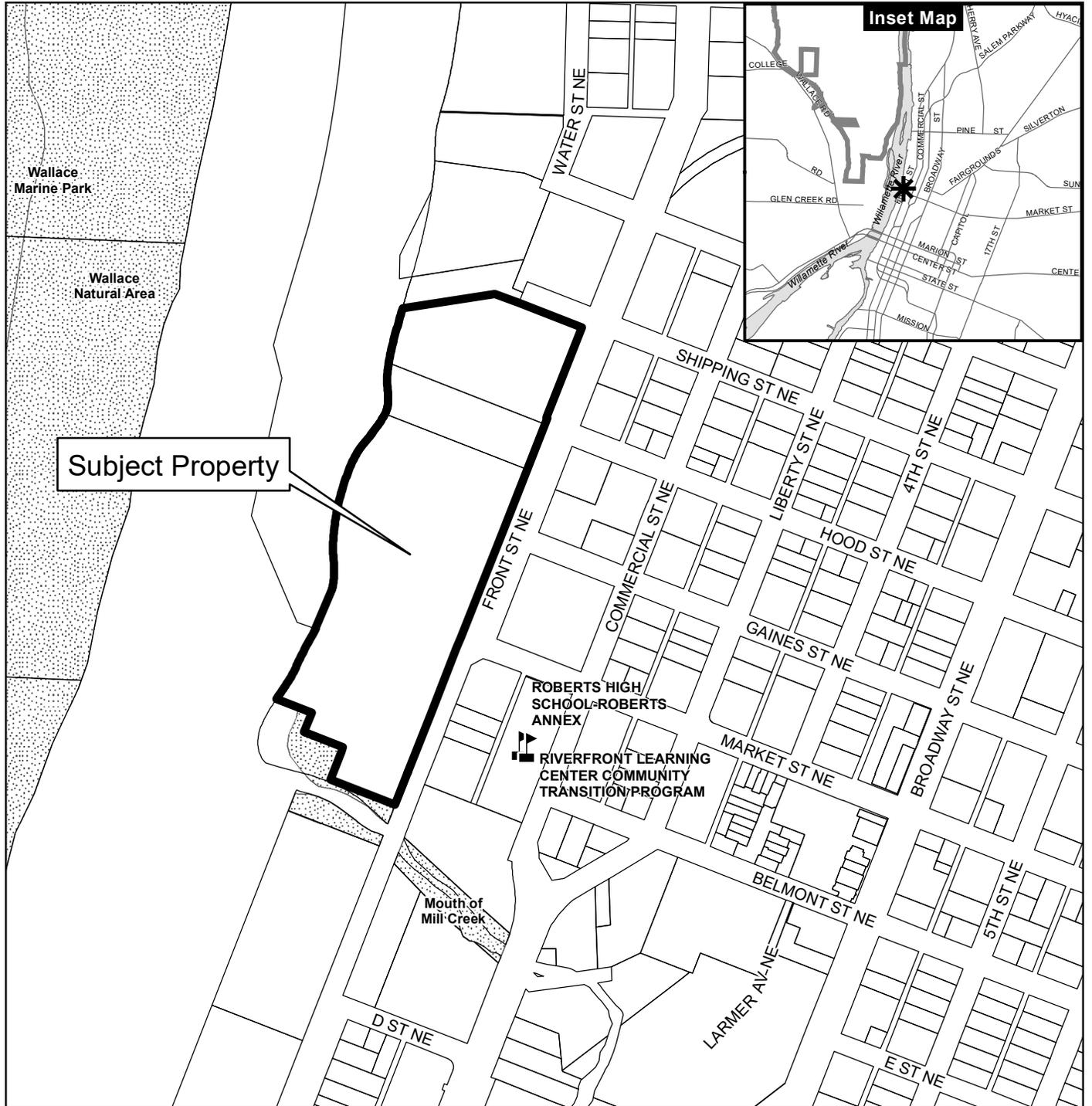
This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Monday, October 21, 2024. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 600, 205, 220, 250, or 804. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

# Vicinity Map

## 1100 to 1400 Blocks of Front Street NE



### Legend

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



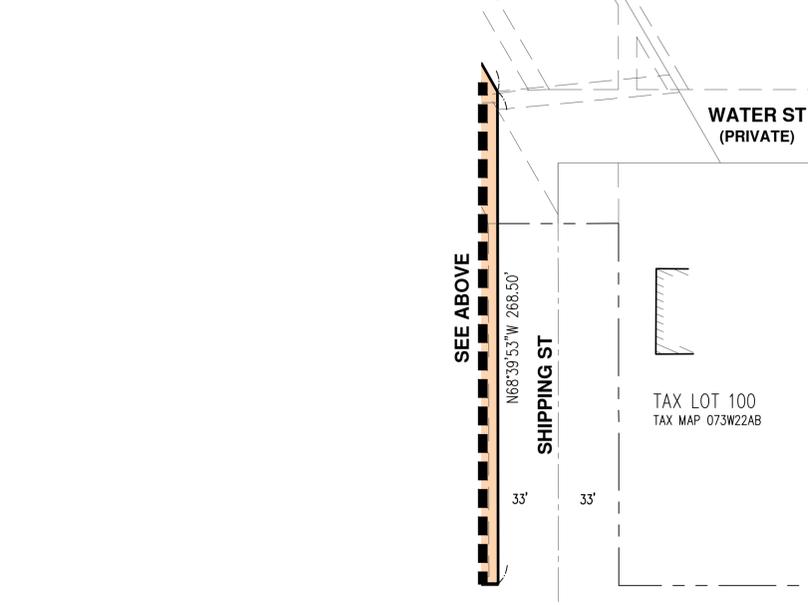
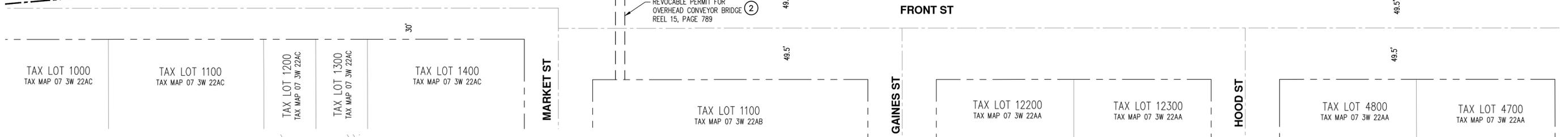
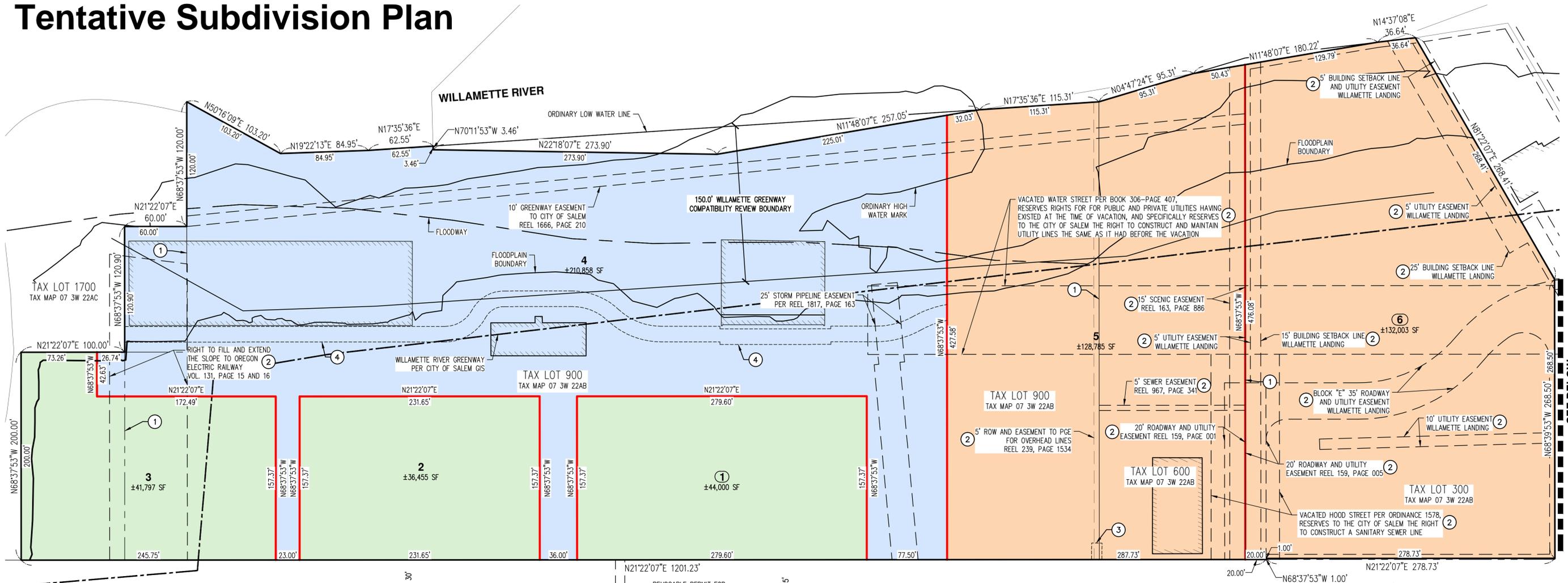
0 100 200 400 Feet



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

# Tentative Subdivision Plan

FUND



**KEYED NOTES: #**

- EXISTING TAX LOT LINE TO BE REMOVED.
- EXISTING EASEMENT OR ROW TO BE QUITCLAIMED/VACATED.
- PROPOSED EASEMENT FOR EXISTING POWER POLE BETWEEN HOOD AND GAINES STREETS, SEE PLAN VIEW.
- 15' WILLAMETTE RIVER GREENWAY PATH EASEMENT DEDICATION. FINAL CONFIGURATION TO BE DETERMINED AT TIME OF BUILDING PERMITS.

**EASEMENT NOTES**

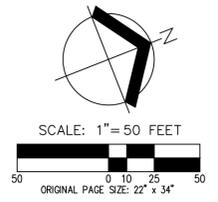
- CROSS ACCESS, DRAINAGE AND UTILITY EASEMENTS AMONG ALL PARCELS TO BE RECORDED PRIOR TO FINAL PLAT.
- ADDITIONAL EASEMENTS ARE REQUIRED FOR UTILITY IMPROVEMENTS. REFER TO UTILITY PLAN.

THE PURPOSE OF THIS PRELIMINARY PLAT IS TO SHOW PLANNED LOT DIMENSIONS AND AREAS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES.

**LEGEND**

- FUTURE DEVELOPMENT PARCEL
- MIXED-USE BUILDING PARCEL
- ADAPTIVE REUSE BUILDINGS PARCEL (COMMERCIAL)

NOTE: THIS SHEET IS PRINTED WITH COLOR

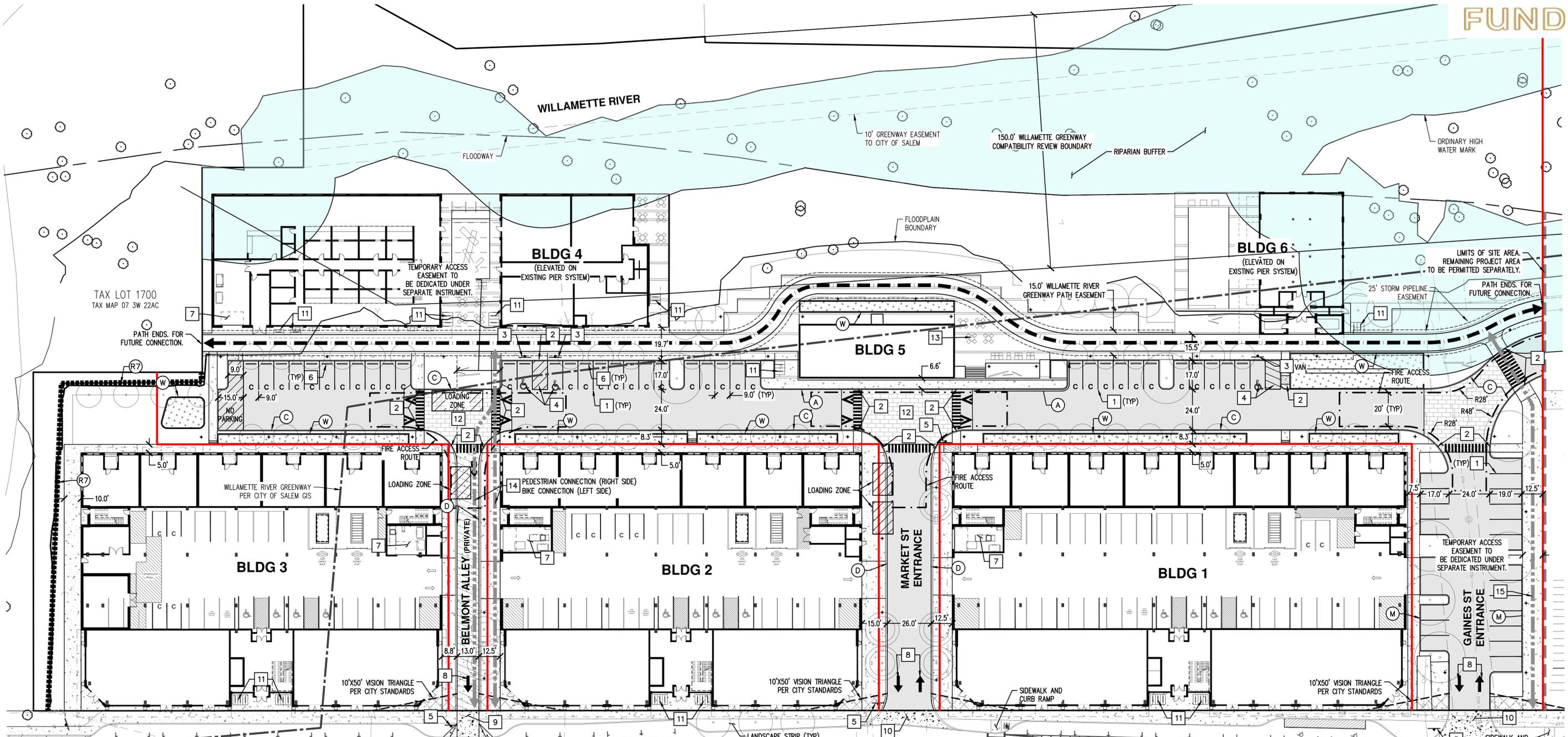


**AKS**  
 ENGINEERING & FORESTRY, LLC  
 3700 RIVER RD N, STE 1  
 KEIZER, OR 97003  
 503.400.6028  
 WWW.AKS-ENG.COM  
 ENGINEERING - SURVEYING - NATURAL RESOURCES  
 FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

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

TENTATIVE PLAT  
 THE CANNERY  
 FUND  
 SALEM, OREGON

REGISTERED PROFESSIONAL ENGINEER  
 PRELIMINARY PLAT  
 NOT FOR CONSTRUCTION  
 COVER D. ROTH  
 RENEWS: DECEMBER 31, 2024  
 JOB NUMBER: 5968-01  
 DATE: 07/26/2024  
 DESIGNED BY: TDR  
 DRAWN BY: MJM  
 CHECKED BY: TDR



**CURB KEYED NOTES:** (TR)

- (A) TYPE 'A' CURB AND GUTTER
- (C) TYPE 'C' CURB
- (D) TYPE 'D' MOUNTABLE CURB
- (M) MONOLITHIC CURB AND SIDEWALK
- (W) PLANTER WALL
- (R7) EXISTING RETAINING WALL. STRUCTURAL IMPROVEMENTS REQUIRED TO BE DETERMINED AT TIME OF BUILDING PERMIT

**SITE KEYED NOTES:** #

1. PAINT 4-INCH WIDE WHITE STRIPE PER CITY STANDARDS.
2. ACCESSIBLE CURB RAMP AND DETECTABLE WARNING SURFACE.
3. ACCESSIBLE PARKING SIGN. "VAN" INDICATES VAN ACCESSIBLE SIGN.
4. ACCESSIBLE PARKING STALLS AND AISLE STRIPING.
5. INSTALL 30"x30" STOP SIGN AND STOP BAR. (36"x36" WHEN ENTERING PUBLIC ROW)
6. CONCRETE WHEEL STOP.
7. TRASH ENCLOSURE. SEE ARCHITECTURAL PLANS FOR DETAILS.
8. DIRECTIONAL ARROW STRIPE.
9. COMMERCIAL DRIVEWAY APPROACH PER CITY DETAIL NO.302.
10. COMMERCIAL DRIVEWAY APPROACH PER CITY DETAIL NO.315.
11. BIKE RACK, SEE ARCHITECTURAL PLANS FOR DETAILS.
12. RAISED SPEED TABLE PEDESTRIAN CROSSING.
13. OUTDOOR SEATING. SEE LANDSCAPE PLANS FOR DETAILS.
14. SHARED ACCESS FROM WILLAMETTE GREENWAY PATH TO FRONT STREET. EASEMENT TO BE QUITCLAIMED UPON CONSTRUCTION OF PATH TO THE SOUTH.
15. SHARED ACCESS FROM WILLAMETTE GREENWAY PATH TO FRONT STREET. EASEMENT TO BE QUITCLAIMED UPON CONSTRUCTION OF PHASE 2 IMPROVEMENTS.

**SITE PLAN DATA:**

ZONING = MU-R  
 SUBJECT PROPERTY AREA = ±593,899 SF (±13.6 ACRES)  
 SITE AREA = ±333,110 SF (±7.6 ACRES)

**DENSITY:**  
 MULTI-FAMILY = 382 UNITS  
 \*RETAIL = 12,160 SF  
 \*OFFICE = 5,885 SF  
 \*EATING/DRINKING ESTABLISHMENT = 30,875 SF

\*DISTRIBUTION OF RETAIL, OFFICE, AND EATING/DRINKING ESTABLISHMENTS SQUARE FOOTAGE ARE SUBJECT TO CHANGE.

**PARKING SUMMARY:**  
**MAXIMUM VEHICLE PARKING:**  
 MULTI-FAMILY = 669 SPACES (1.75/UNIT)  
 RETAIL = 61 SPACES (1/200 SF)  
 OFFICE = 24 SPACES (1/250 SF)  
 EATING/DRINKING ESTABLISHMENT = 176 SPACES (1/175 SF)  
 MAX TOTAL = 930 SPACES

**VEHICLE PARKING PROVIDED:**  
 GARAGE PARKING  
 • AUTOMATED = 291 SPACES  
 • STANDARD = 51 SPACES  
 • COMPACT = 10 SPACES  
 • ACCESSIBLE = 12 SPACES  
 OFF-STREET PARKING  
 • STANDARD = 20 SPACES  
 • COMPACT = 35 SPACES  
 • ACCESSIBLE = 3 SPACES  
 TOTAL PARKING = 422 SPACES

**BICYCLE PARKING REQUIRED:**

MULTI-FAMILY = 382 SPACES (1/UNIT)  
 RETAIL = 4 SPACES (GREATER OF 4 OR 1/10,000 SF)  
 OFFICE = 4 SPACES (GREATER OF 4 OR 1/3,500 SF)  
 EATING/DRINKING ESTABLISHMENT = 31 SPACES (GREATER OF 4 OR 1/1,000 SF)  
 TOTAL REQUIRED = 421 SPACES

**BICYCLE PARKING PROVIDED:**  
 SHORT-TERM = 59 SPACES  
 LONG-TERM = 380 SPACES  
 TOTAL = 439 SPACES

**LOADING ZONE REQUIRED/PROVIDED:**  
 MULTI-FAMILY REQUIRED = 3 SPACES (12'WX19'L)  
 RETAIL SALES AND SERVICES REQUIRED = 1 SPACE (12'WX30'L)  
 OFFICE REQUIRED = 1 SPACE (OFF-STREET PARKING AREA USED FOR LOADING PER SRC 806.075(a))  
 TOTAL REQUIRED = 4 SPACES  
 TOTAL PROVIDED = 3 SPACES (12'WX19'L)  
 1 SPACE (12'WX30'L)

NOTE: SPACES TO BE SCHEDULED AND CONED OFF WITH SITE OPERATOR FOR LOADING AND UNLOADING.

**SETBACKS:**

**ALONG FRONT ST**  
 BUILDINGS = 0 FT OR MAX 10 FT (IF SETBACK AREA IS USED FOR PEDESTRIAN AMENITIES)

**VEHICLE USE AREA = 10 FT**

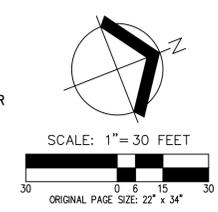
**SIDE/REAR YARD**  
 BUILDINGS = NONE  
 VEHICLE USE AREA = 5 FT (NOT REQUIRED ABUTTING AN ALLEY)

**GENERAL NOTES:**

1. BUILDINGS 1, 2, AND 3 ARE ON SEPARATE PROPERTIES. REFER TO SHEET P4 FOR THE PROPOSED PROPERTY LINES.
2. THE FRONT STREET NE IMPROVEMENTS SHOWN ARE PRELIMINARY AND BASED ON CONCEPTUAL DESIGN WORK PROVIDED BY THE CITY'S RETAINED RAIL ENGINEER. REFINED FRONT STREET NE IMPROVEMENTS ARE ANTICIPATED AND WILL BE CONSTRUCTED IN ACCORDANCE WITH FEEDBACK RECEIVED FROM THE FINAL RAIL DIAGNOSTIC AND COORDINATION WITH THE CITY.

**EV READY NOTE:**

40% OF PARKING STALLS ARE REQUIRED TO BE EV READY PER STATE REQUIREMENTS. FINAL EV READY STALL LOCATION AND CONDUIT PLACEMENT WILL BE COORDINATED WITH PROJECT ELECTRICIAN AT THE TIME OF BUILDING PERMIT SUBMITTAL.



**LEGEND**

- 10' WILLAMETTE GREENWAY CONCRETE PATH (WITHIN 15' EASEMENT TO CITY OF SALEM)
- TEMPORARY GREENWAY ACCESS TO FRONT STREET UNTIL FUTURE CONNECTIONS ARE CONSTRUCTED.
- INTERIOR PROPERTY LINE
- ASPHALT PAVEMENT SECTION
- CONCRETE SIDEWALK (4" MIN THICKNESS)
- CONCRETE PAVEMENT SECTION (8" MIN THICKNESS)
- CONCRETE PAVERS (REFER TO PLANS BY OTHERS)
- STORMWATER FACILITY
- PLANNED TREE (REFER TO LANDSCAPE PLANS BY OTHERS)

**PRELIMINARY SITE PLAN**  
**THE CANNERY**  
**FUND**  
**SALEM, OREGON**



REVISIONS: DECEMBER 31, 2024  
 JOB NUMBER: 5968-01  
 DATE: 07/26/2024  
 DESIGNED BY: TDR  
 DRAWN BY: MJM  
 CHECKED BY: TDR

PROPERTY DESCRIPTION  
 TAX MAP 07.3W.22AB  
 TAX LOTS 300, 600, 900  
 CONTRACT PURCHASER:  
 FUND  
 1507 THOMAS RD.  
 CHARLOTTE, NC 28278

AKS DRAWING FILE: 5968-01 PRELIM SITE PLAN/LAYOUT LAYOUT: LAYOUT 1



1 ILLUSTRATIVE PLAN OVERALL

Plan  
SCALE: 1" = 40'



THE CANNERY

1105 FRONT ST NE,  
SALEM, OR 97301

LAND USE SUBMITTAL

ILLUSTRATIVE PLAN  
OVERALL

REVISIONS

SCALE  
DRAWN BY  
DATE 2024.03.15  
PROJECT NO. 2346-SAC

SHEET

L101

**BEFORE THE HEARINGS OFFICER**

CONSOLIDATED APPLICATION FOR A )  
CLASS 2 WILLAMETTE GREENWAY )  
DEVELOPMENT PERMIT, CLASS 3 SITE ) WGP-SUB-SPR-ADJ-DAP24-01  
REVIEW, SUBDIVISION TENTATIVE PLAN, )  
CLASS 1 AND CLASS 2 ADJUSTMENTS, )  
CLASS 2 DRIVEWAY APPROACH PERMIT )  
AND AN ALTERNATIVE STREET ) FINDINGS OF FACT, CONCLUSIONS  
STANDARD ON PROPERTY LOCATED ON ) OF LAW, AND DECISION  
THE 1100 TO 1400 BLOCKS OF FRONT )  
STREET NE (MARION COUNTY )  
ASSESSOR'S MAP AND TAX LOT NUMBERS)  
073W22AB/00300, 00600, AND 00900) )

**DATE AND PLACE OF HEARING:**

On September 25<sup>th</sup>, 2024, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at Salem City Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, Oregon.

**APPEARANCES:**

Staff: Bryce Bishop, Planner III  
Neighborhood Association: Grant Neighborhood Association  
Proponents: Trent Michels, The Future of Neighborhood Development, LLC;  
Zach Pelz, AKS Engineering & Forestry, LLC.  
Opponents: None

**SUMMARY OF THE APPLICATION AND HEARING**

**REQUEST**

On March 15, 2024, an application was submitted by Grace Wolff, of AKS Engineering & Forestry, on behalf of the applicant, Trent Michels, of the Future of Neighborhood Development, LLC. The application was deemed complete for processing on September 3, 2024. The application calls for 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.

More specifically the development proposal, which is titled The Cannery, 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 will provide two-way vehicle circulation and one of which is 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.

Multiple land use applications were required in connection with the proposed development and, at the request of the applicant, have been consolidated. When multiple applications are consolidated, the review process follows the highest numbered procedure type required for the land use applications involved. That is, the review authority for the highest numbered procedure type is required. Since the consolidated application includes a 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 it must be processed as a Type III procedure by the Hearings Officer.

In specific, the consolidated applications include the following approvals:

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));
  - 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 the interior property lines. (SRC 536.015(c));
  - b. Eliminate the minimum required 5-foot landscape setback for parking parages abutting interior property lines (SRC 806.035(c)(5));
  - c. Reduce the minimum required percentage of off-street parking spaces designed 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 the 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 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.
5. A Class 2 Driveway Approach permit for the three proposed driveway approaches service 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 the elimination of the required public utility easement (PUE).

The application was deemed complete on September 3, 2024 and notice of the September 25, 2024 public hearing was provided to surrounding property owners and tenants on September 5, 2025. The subject property was posted by the applicant on September 12, 2024, consistent with the requirements of SRC 300.620(b)(3) for a Type III application.

Five comments were submitted prior to the hearing. Mr. Jon Christenson noted that the proposed development was one of the most significant contemporary projects in Salem and he encouraged the highest qualitative standards be applied. Jeffrey Bivens, of I&E Construction, Inc., wrote that he was encouraged to see City staff helping make the project a reality. Jerry Lee wrote that he appreciated the “community-first” layout of The Cannery project and that he felt that it was an aspirational development for the City. He saw the project as preserving essential historic character while elevating the space for Salem’s residents. Leigh Tracey-Gaynair, Chair of the Highland Neighborhood Association, wrote in support of the project. She pointed out that the proposed mixed-use development would provide numerous benefits to the neighborhood including revitalization of an underutilized industrial site, increased housing options, an economic boost to the neighborhood, and enhanced riverfront access. She also noted that the proposed upgrades to Front Street NE would enhance safety and accessibility in the area.

Seven individuals testified during the hearing. Dan Kent, representing Salmon Safe, testified that his organization was monitoring the impact that the proposed development would have on the water quality of the Willamette River. He noted that the City and the applicant would be working with his organization as the development of the property commenced. Leigh Tracey-Gaynair, Chair of the

Highland Neighborhood Association, testified in support of the project. She believed that it would revitalize an underutilized industrial site and increase housing options for the neighborhood and the City. She also supported the enhanced riverfront access and enhanced safety and accessibility to the area provided by the project. Sandy Underberg and Renee Lacy, representing Diabetic Support Services, testified in support of the proposed development because they believed the project would support a healthier life for the neighborhood. Tom Hoffert, representing the Salem Chamber of Commerce, testified that his organization supported the project as it represented a boost to the economy of Salem. Joshua Kay, testified that the project would allow the revitalization of a vacant area of Salem and would allow access to the Willamette River. Finally, Tyler Freres, Vice President of Freres Engineered Wood, testified in support of the project. He noted that the project would be using innovated wood products in its construction.

The City of Salem held a duly authorized and noticed public hearing on September 25<sup>th</sup>, 2024, regarding the Applicant’s request. During the hearing, Bryce Bishop requested that the Staff Report be entered into the Record, and the Hearings Officer granted the request.

### **BACKGROUND**

#### **1. Salem Area Comprehensive Plan (SACP) designation**

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is “River–Oriented Mixed Use.” The subject property is within the Urban Growth Boundary and the Urban Service Area.

#### **2. Zoning and Surrounding Land Uses**

The subject property is zoned MU–R (Mixed–Use Riverfront) and partially lies within the Willamette Greenway Overlay Zone. The zoning and uses of the surrounding properties include:

**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

#### **3. Site Analysis**

The subject property consists of three tax lots properties located in the 1100 to 1400 blocks of Front Street NE. It is 13.66 acres in size. 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 subject property to the west and it is located north of Mill Creek and Mouth of Mill Creek Park.

Utilities and amenities available to the subject property are as follows:

Water: The subject property has a water service level of G-0. There is a 16-inch, a 10-inch, and a 6-inch water main located in Front Street NE and an 8-inch water main located in an easement on the subject property.

Sewer: An 8-inch sanitary sewer main is located in Front Street NE and a 6-inch sanitary sewer main is located in an easement on the subject property.

Storm Drainage: There is a 10-inch and an 8-inch storm main located in Front Street NE and a 10-inch storm main located in Shipping Street NE. There is a 30-inch and a 10-inch storm main located in an easement on the subject property.

Parks: The proposed development is served by Grant School Park, located about 0.45 miles east of the subject property, and Riverfront Park, located about 0.41 miles south of the subject property.

#### 4. **Neighborhood Association and Public Comments**

##### Neighborhood Associations:

Pursuant to SRC 300.620(b)(2)(B)(vii), notice is required to be provided to any City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, property subject to a Type III land use application. On March 14, 2024, the applicant contacted both the Grant Neighborhood Association and the Central Area Neighborhood Development Organization (CAN-DO) 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.

Aaron Terpening, Land Use Chair of the Grant Neighborhood Association, wrote that his Association was very excited about The Cannery project. He noted a particular concern with the project integrating well into the neighborhood with adequate access to the Willamette Greenway as well as to new venues along the river. In addition, he also expressed a concern about adequate landscaping between pedestrian paths and parking, the lack of tree cover in parking areas, pedestrian amenities and street trees along Front Street, accessible parking dimensions, and fire department access. He noted that the Association also would like a stronger pedestrian connection from the neighborhood to the Greenway and River. Finally, he expressed a preference for the use of durable and long-lasting materials; such as brick over stone veneer.

Leigh Tracey-Gaynair, Chair of the Highland Neighborhood Association, wrote in support of the project. She pointed out that the proposed mixed-use development would provide numerous benefits to the neighborhood including revitalization of an underutilized industrial site, increased housing options, an economic boost to the neighborhood, and enhanced

riverfront access. She also noted that the proposed upgrades to Front Street NE would enhance safety and accessibility in the area.

Homeowner's 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:

Pursuant to SRC 300.620(b)(2)(B)(ii), (iii), (viii), & (ix), notice was provided to property owners and tenants within 250 feet of the subject property. Five comments were submitted prior to the hearing. Jennifer Kalez wrote that while she had concerns about sufficient on-site parking she supported the project. Mr. Jon Christenson noted that the proposed development was one of the most significant contemporary projects in Salem and he encouraged the highest qualitative standards be applied. Jeffrey Bivens, of I&E Construction, Inc., wrote that he was encouraged to see City staff helping make the project a reality. Jerry Lee wrote that he appreciated the "community-first" layout of The Cannery project and felt that it was an aspirational development for the City. He saw the project as preserving essential historic character while elevating the space for Salem's residents. Written comments were also received from Leigh Tracey-Gaynair, Chair of the Highland Neighborhood Association, and are summarized above.

**5. City Department and Public Agency Comments**

The Salem Building and Safety Division reviewed the proposal and indicated no concerns.

The 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.

The City of Salem Development Services Division reviewed the proposal and provided extensive comments regarding the approval criteria. The Division suggested 20 conditions of approval, including two options for improvements to Front Street NE.

**6. Public Agency Comments**

Salem-Keizer School District: The School District reviewed the proposal and indicated that the subject property was served by Grant Elementary School, Parish Middle School, and North Salem High School. It noted that Grant Elementary School and North Salem High School were overcapacity.

The School District indicated that 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.

Portland General Electric (PGE): Portland General Electric reviewed the proposal and commented that the Item #6 of Amanda NO. 24–106451–PLN that proposed the elimination of a required public utility easement would not allow enough space for the installation of its equipment to serve the proposed development. It noted that it would have to install multiple 4–inch and 6–inch conduits as well as multiple large concrete splice/switch vaults in the sidewalk/pedestrian spaces and the proposed parallel parking areas. (The vaults are roughly 10' wide by 13' long by 9' tall.) 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)).

Portland & Western Railroad (PNWR): The Railroad reviewed the proposal and indicated that it did not take exception to the concept plan level of engineering with respect to the Front Street NE interaction with the Railroad. It was pointed out that the concept plan will need to be developed into final plans with ODOT Rail Exhibits prepared and these will need to be approved by ODOT Rail, BNSF, the City, and PNWR.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

### 7. Analysis of Class II 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 portions 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:

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

**(i) The Willamette River Greenway Plan:**

**Finding 1:** 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 governs development of the subject property. Conformance with all applicable standards in SRC Chapter 600 is sufficient to establish consistency with the Greenway Plan.

**(ii) The Willamette Greenway Riparian Buffer Enhancement Guide:**

**Finding 2:** 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**

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 applicable approval criterion are as follows:

**\* Uses – SRC 600.020(a):**

***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 3:** The site plan submitted by the applicant 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

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.

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):***

This standard requires that existing predominant topographical features of the bank and escarpment shall be preserved and maintained and that the impact on the riparian buffer resulting from proposed intensification, development, or change in use shall be minimized. The standard also requires that the slope, soil characteristics, and other physiographic conditions existing within the land area between the ordinary low water line and the Willamette Greenway Boundary, the hydraulic effect of the Willamette River on the bank, and the hydraulic and flood carrying capacity of the river shall be considered in the design of any proposed intensification, development, or change of use.

**Finding 4:** 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 condition is intended to 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 concluded that the proposed development will not have an impact on the flood carrying capacity of the river.

The applicant's proposed on-site demolition plan demonstrate how the existing predominant topographical features of the bank and escarpment will be preserved and maintained. 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):***

This standard requires that landscaping shall conserve, or if disturbed by the development activity restore to the greatest extent possible, vegetative cover within the Willamette Greenway Boundary and that 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. The standard provides requirements for the planting of trees and shrubs and that areas that are not paved or revetted shall be planted with living ground cover.

**Finding 5:** According to the applicant's proposed landscape plan, 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.

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. The proposed development is in conformance with the landscaping standards included under SRC 600.025(b).

- ***Water Quality – SRC 600.025(c):***

This standard requires that the applicant establish a riparian buffer boundary and develop a plan to mitigate the effects of any intensification, development or change of use.

**Finding 6:** A riparian buffer applicable to the proposed development site was established utilizing the criteria of SRC 600.025(c)(2)(A)(ii) 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 SRC 600.025(c)(3)(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):***

This criterion requires that 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; and screening shall be sight-obscuring.

**Finding 7:** 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.

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 have color palettes generally consisting of orange, browns, greys, black, tan, and white. Colors of orange, brown, grey, black and tan can be considered within the natural earth or leaf tone palette. White, which is a reflective color, is not. 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 appropriate:

**Condition 1:** The colors for Buildings 3, 4, 5 and 6 shall be from within the natural earth or leaf tone color palettes.

The proposal meets this criterion as conditioned.

▪ ***Lighting – SRC 600.025(e):***

The criteria under this provision require that lighting may not flash if visible from the Willamette River and shall not be focused or oriented onto the surface of the River. No red or green lights may be visible from the River and the maximum aggregate intensity of all lighting falling on the surface of the River shall not exceed one-tenth candle foot per square foot.

**Finding: 8:** The applicant has warranted 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):***

This standard requires that parking, loading and unenclosed storage areas must be screened from the Willamette River and from adjacent properties through the use of a sight-obscuring berm or a sight-obscuring hedge that, when planted, be no less than three feet in height and

shall be of a species capable of attaining a minimum height of six feet within six years of planting.

**Finding 9:** All proposed parking areas are internal to the site or are 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):***

This standard applies to right-of-ways that are wholly or partially within the Willamette Greenway Overlay Zone.

**Finding 10:** 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):***

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

**Finding 11:** The Salem Transportation System Plan and Parks System Master Plan identify the Willamette Riverfront off-street multi-use path that will run through the subject property. The applicant's 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 to the Willamette Riverfront off-street multi-use path through the site, as required by SRC 600.025(h), the following condition is appropriate:

**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.

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

**Finding 12:** 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 13:** 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 14:** 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.

***SRC 600.015(f): Conditions of Approval***

This standard states that conditions may be imposed on any Greenway Development Permit that are necessary to insure that the 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. SRC 600.015(f)(2) requires that the following conditions be imposed on every Greenway Development Permit:

**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.

## **8. Analysis of Subdivision Tentative Plan Approval Criteria**

Pursuant to SRC 205.010(a), no land shall be divided into four or 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.

***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.**

**Finding 15:** 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 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.

**Finding 16:** 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)):***

**Finding 17:** 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, 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.

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)):***

**Finding 18:** 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.

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 because proposed Lots 5 and 6 are designated for future development, they 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.

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. 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 required:

**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.

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 later in this decision.

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)):***

**Finding 19:** 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):***

**Finding 20:** 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 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***

▪ ***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 21:** SRC Chapter 802 requires easements 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 dedication of public access and/or utility easements, the applicant shall provide evidence that the area subject to the easement is free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

As 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.

**Finding 22:** 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 required:

**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 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.

**Finding 23:** 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.

**Finding 24: 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 required:

**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 that benefits Lots 1 through 4 with 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 required:

**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 required:

**Condition 10:** If approved by the Public Works Director, the applicant shall, at the time of development of 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.

**Finding 25: 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):***

**Finding 26:** 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 required:

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

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 public utility (water, sewer, stormwater) infrastructure on the site that is planned to remain. Prior to final occupancy, the applicant shall dedicate easements for access and infrastructure specific to serve each building on the site. Easements for public access and infrastructure shall meet the current standards in Public Works Design Standards Section 1.8 (Easements).

As 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.

**Finding 27:** 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 decision.

▪ ***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.

**Finding 28:** 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

**Finding 29:** 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 necessary:

**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

**Finding 30:** Front Street NE abuts the property along its eastern property boundary. It 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.

**Finding 31:** 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 must 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.

An interim option has been evaluated that 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.

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 construct street improvements along Front Street NE. The required improvements shall consist of one of the following options. Prior to final plat approval, 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.

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 shown in Attachment J to the staff report, and shall include:

1. 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.
2. 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 NE.
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.

Option 2: (Full street improvement with full movement). The improvement shall be as shown in the preliminary concept for Option 2, as shown in Attachment K to the staff report, and shall 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.

▪ ***Public Utility Easements (SRC 803.035(n)):***

**Finding 32:** 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 be constructed contiguous with the public street right-of-way unless the area in front of the building is 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. The analysis of the requested alternative street standard for conformance with the requirements of SRC 803.065 is included later in this decision.

▪ ***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 right-of-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-off-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):**

**Finding 33:** 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)):**

**Finding 34:** 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 existing 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):**

**Finding 35:** 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–foot–wide 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.

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)):**

**Finding 36:** 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. 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 required:

**Condition 16:** Prior to final plat approval or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall work directly with franchise utility companies and provide a plan and 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)***

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.

**Finding 37:** 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 are addressed later in this decision.

### ***SRC Chapter 808 (Preservation of Trees and Vegetation)***

**Finding 38:** 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 diameter at breast height (dbh), and possesses an upright arrangement of branches and leaves.” SRC Chapter 808 protects heritage trees, significant trees, trees and native vegetation in riparian corridors and 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.

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.

**Finding 39:** 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 required:

**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)***

**Finding 40:** 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 required:

**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 the site earthwork for each building lot and addresses the geotechnical considerations for each individual building lot.

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

**Finding 41:** 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 42:** Water, sewer, and storm infrastructure are available to the subject property and the Development Services division has determined that these services 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 43:** 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. On-site circulation will be provided through a network of driveways, access aisles, and off-street 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 44:** 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 45:** 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 46:** 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, mitigation measures are recommended to prescribe alternative performance measures for the Market Street/Center Access and Front Street intersection; provide warning signage for queuing across the Portland & Western Railroad on Front Street NE, and reducing the posted speed on Front Street NE

The development of alternative performance standards would require an amendment to the Public Works Design Standards; something that is not contemplated by the City and are not necessary given the boundary street improvements required by this decision. The recommended signage to address queuing across the railroad tracks on Front Street NE are supported by the applicant and the City and can be implemented through a condition of approval. The reduction in speed limits requires an ODOT engineering investigation and approval from the state traffic roadway engineer and is thus out of the control of the City. However, the City is aware of the suggestion and will review speed limits 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 ordered:

**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. 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 47:** 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 48:** 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 49:** 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.

## **9. 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.

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

**Finding 50:** 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):***

**Finding 51:** 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.

While the general uses that comprise the proposed development, which include multiple family, eating and drinking establishments, retail sales, and office use, 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 and can be described as follows:

- Building 1 will have a total mixed commercial/tenant space of 9,802 square feet; with approximately 50 percent dedicated to eating and drinking establishments, 40 percent to retail sales, and 10 percent to office use.
- Building 2 will have a total mixed commercial/tenant space of 7,360 square feet; with approximately 50 percent dedicated to eating and drinking establishments, 34 percent to retail sales, and 16 percent to office use.
- Building 3 will have a total mixed commercial/tenant space of 7,360 square feet; with approximately 50 percent dedicated to eating and drinking establishments and 50 percent to office use.
- The Food Hall will be 17,395 square feet and approximately 81 percent will be eating and drinking establishments and 19 percent will be retail sales.
- The Winery will be about 2,925 square feet and 100 percent will be uses related to eating and drinking.
- The Market will be about 4,046 square feet and 40 percent dedicated to eating and drinking establishments and 50 percent dedicated to retail sales.

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. 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.

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.

**Finding 52:** The tentative subdivision plan and the proposed site plan show that 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.

**Finding 53:** 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 and Table 536-3, the required building, accessory structure, and off-street parking and vehicle use area setbacks applicable to the proposed development are as follows:

- Abutting street setbacks are 0 to 10 feet for buildings (the maximum setback applies if the setback area is used for pedestrian amenities), a minimum of 10 feet for accessory structures and 6 to 10 feet for parking and vehicle use areas. (Alternative setback methods are found in SRC 806.035(c)(2).
- There are no Interior side and interior rear setbacks for buildings and accessory structures where there is an abutting mixed-use zone. There is a minimum 5-foot setback with Type A landscaping for parking and vehicle use areas where there is an abutting mixed-use zone.

**Finding 54:** (Buildings abutting a street): 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 required. 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. Buildings 4, 5, and 6 currently exceed the maximum required setback of the MU-R zone for buildings abutting a street. The maximum setbacks of the MU-R zone for buildings abutting a street are not applicable because these buildings are characterized as 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.

**Finding 55:** (Off-street parking and vehicle use areas abutting a street): 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. 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).

**Finding 56:** (Building Setbacks Abutting Interior Property Lines): 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.

**Finding 57:** (Building 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.

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 later in this decision.

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)):***

**Finding 58:** 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.

**Finding 59:** The roofs of each of 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, are at least 20 feet but not more than 70 feet in height. These roofs conform to the minimum and maximum height requirements of the MU-R zone.

**Finding 60:** Buildings 1, 2, and 3, are 74 feet in height which meets 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 later in this decision.

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 the street to which the building frontage standard applies.

**Finding 61:** 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. 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. 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.

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) Setbacks. 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) Vehicle Use Areas. Vehicle use areas within the MU-R zone shall be landscaped as required under SRC Chapter 806 and SRC Chapter 807.

**Finding 62:** (Setback landscaping): 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. 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 are included in later in this decision. 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.

**Finding 63:** (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.

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

**Finding 64:** 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, a 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.

**Finding 65:** 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).

The planned food hall, winery, and market on Lot 4 will be housed within existing buildings that were constructed prior to August 24, 2022, and the view of these buildings from Front Street NE is obstructed by proposed Buildings 1, 2, and 3 and the 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 must conform to the following pedestrian–oriented design standards set forth in Table 536:

**Finding 66:** (Ground floor height): 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 a minimum floor height standard of 10 feet. 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. The minimum height standard is therefore not applicable to these buildings.

**Finding 67:** (Public pedestrian access): Public pedestrian access standards apply between the Willamette River and Front Street. They require that public pedestrian access be provided at least every 400 feet. Pedestrian access must be in the form of a sidewalk, street, or alley that is a minimum of 12 feet wide and meets three of the following standards: (a) incorporates visual contrast or tactile finish texture; (b) is 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) is defined with landscaping or building features such as canopies, awnings, or arcades; (e) provides active use frontages and/or entrances with overlooking windows, stoops, or terraces; (f) provides pedestrian–level lighting.

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 applicant warrants 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.

The proposed sidewalks provided between Front Street and the Willamette River meet the minimum required spacing and width requirements but it’s unclear 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 required:

- 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 of Table 536–6 of SRC 536.015(g).
- a) Incorporate visual contrast of 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.

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

**Finding 68:** (Building façade articulation): The standards of Figure 536–3 apply to building facades facing primary streets. It requires that buildings incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top. Ground floor or base floor facades must be distinguished from middle facades by at least one of the following: (1) change in materials; (2) change in color; (3) molding or other horizontally-articulated transition piece. Middle facades must provide a visual interest by incorporating a one of the following a minimum of every 50 feet: (1) recesses of a minimum depth of two feet; (2) extensions of a minimum of two feet; (3) pilasters (rectangular column) that project away from the building. Building tops must be defined by at least one of the following: (1) a cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the façade; (2) a change in materials from the upper floors, with the 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 overhand that is a minimum of eight inches beyond the face of the façade.

Since Front Street NE is designated as a primary street, the proposed new mixed-use buildings on Lots 1, 2, and 3 which face Front Street NE are subject to this standard. 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.

**Finding 69:** (Ground floor windows): This standard applies to building ground floors on primary streets and building ground floors along the riverfront. Ground floor building facades must include a minimum of 65 percent of transparent windows. The windows cannot be mirrored or treated so as to block visibility into the building and must have a minimum visible transmittance of 37 percent. For buildings on corner site, where the primary street intersects with a secondary street, the standards shall apply to the full length of the front façade and the portion of the side façade 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.

Eighty-one percent of Building 1's ground floor windows face Front Street NE and 60 percent face the riverfront. Eighty-three percent of Building 2's ground floor windows face Front Street NE and 56 percent face the riverfront. Eighty-three percent of Building 3's ground floor windows face Front Street NE and 52 percent face the riverfront.

The applicant's building floor plans show that the ground floors of proposed Buildings 1, 2, and 3 facing Front Street NE will include mixed commercial tenant space. As shown above, 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 later in this decision.

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.

**Finding 70:** (Building entrances): This standard applies to building ground floors on primary streets and building ground floors along the riverfront. 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. All building entrances must include weather protection.

**Finding 71:** 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 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.

**Finding 72:** (Weather protection): The weather protection standards graphically displayed in Figure 536-6 apply to building ground floors adjacent to a street and along the riverfront. It requires weather protection, in the form of awnings or canopies along 75 percent of the ground floor building façade for non-residential uses and along 50 percent of the ground floor building façade for residential uses. The awnings or canopies must have a minimum clearance height above the sidewalk or ground surface of 8 feet and may encroach into the street right-of-way.

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 the weather protection standards graphically displayed in Figure 536-6. 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:

- Ninety-one percent of Building 1's ground floor facing Front Street NE has weather protection and 56 percent of its ground floor facing the riverfront has weather protection.

- Eighty–nine percent of Building 2’s ground floor facing Front Street NE has weather protection and 59 percent of its ground floor facing the riverfront has weather protection.
- Eighty–nine percent of Building 3’s ground floor facing Front Street NE has weather protection and 59 percent of its ground floor facing the riverfront has weather protection.

In summary, 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.

**Finding 73:** (Parking Location): Parking location standards are graphically displayed in Figure 536–7. The standards require that off–street surface parking areas and vehicle maneuvering areas be located behind or beside buildings and structures. They cannot 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. 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.

**Finding 74:** (Mechanical and service equipment): As graphically displayed in Figure 536–9, ground level mechanical and service equipment must be screened with landscaping or a site–obscuring fence or wall. This equipment must be located behind or beside buildings. Rooftop mechanical equipment, with the exception of solar panel and wind generators, must be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.

Proposed building elevations and floor plans show that mechanical and service equipment are proposed to be located within the proposed buildings. 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.

If rooftop mechanical equipment is required, the applicant warrants that 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 necessary 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.

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

**Finding 75:** The applicant's 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 required:

**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:***

**Finding 76:** The proposed development is subject to SRC Chapter 71 and the Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. 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 is required:

**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***

**Finding 77:** 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 appropriate:

**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***

**Finding 78:** The applicant’s site plan shows that 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 portions 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 earlier in this decision.

***SRC Chapter 800 – General Development Standards***

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

**Finding 79:** SRC 800.050 establishes standards that apply to fences, walls, hedges, gates, and retaining walls in all zones. Fencing is not indicated in the plans for the proposed development. However, if fencing is provided in the future, it must 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 may exceed four feet in height.

- ***Solid Waste Service Areas (SRC 800.055):***

**Finding 80:** 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.

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) SRC 800.055(b)&(c) – 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) SRC 800.055(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.

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 later in this decision.

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 necessary:

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

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

**Finding 81:** 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. 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.

***SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on the Same Development Site.***

**Finding 82:** 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. 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.***

**Finding 83:** 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. 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 either be constructed and a public access easement or dedication provided or, when no abutting section of the trail or path has been constructed on adjacent property, a public access easement shall be provided for future construction of the path or trail.

**Finding 84:** 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 85:** The applicant's site plan shows 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.

***SRC 800.065(b)(1) – Design and Materials.***

**Finding 86:** Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Walkways must be paved with a hard-surface material that meets Public Works Design Standards and be a minimum of five feet in width. 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. 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 87:** 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.

***SRC 800.065(b)(2) – Design and Materials***

**Finding 88:** Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections. The site plan shows that 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 necessary:

**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 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 89:** 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 appropriate:

**Condition 28:** The final subdivision plat shall be recorded prior to issuance of any building permits. The final plat is not necessary prior to the issuance of Erosion Control, Clearing and Grubbing, Civil Site Work, and Public Works permits.

At time of building permit review, 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 Chapter 803, 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 90:** Boundary street improvement requirements are discussed in the analysis of compliance with the subdivision regulations and are conditioned on the Subdivision application. Subdivision conditions should 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 91:** The applicant proposes three (3) new driveway approaches onto Front Street NE and has applied for Class 2 Driveway Approach Permits. As described in the findings in Section 12 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 92:** 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 multiple family development is 1.75 spaces per dwelling unit; one space per 175 square feet for eating, drinking establishments; one space per 200 square feet for retail sales; and one space per 250 square feet for offices.

**Finding 93:** Under Table 806-1, the proposed development would be allowed 669 off-street parking spaces for its 382 multiple family units; 176 off-street parking spaces for its 30,875 square feet allotted for eating and drinking establishments; 61 off-street parking spaces for its 12,160 square footage for retail sales; and 24 off-street parking spaces for its 5,885 square footage for offices.

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)):***

**Finding 94:** 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 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.

**Finding 95:** 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 11 of this decision.

- ***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.

**Finding 96:** 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. The standard 90° stall must be 9’ x 19’ with a drive aisle width of 24 feet. The compact 90° stall must be 8’x 15’ with a drive aisle width of 22 feet. If a compact parking stall is located next to a wall or post it must be 8’ 6” in width.

**Finding 97:** 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 standards of Table 806–5.

The 291 proposed spaces located in the basement level automated parking garages in Buildings 1, 2, and 3, 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.

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 required:

**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.

**Finding 98:** 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 on-site and enter and exit the property in a forward motion. There are two areas on the site 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 turn around 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.

**Finding 99:** 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).

The proposed landscape plans show that 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.

**Finding 100:** 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 one bicycle space per multiple family unit; the greater of 4 bicycle spaces or one per 1,000 square feet for eating and drinking establishments; the greater of 4 spaces or one space per 10,000 square feet of retail sales; and the greater of 4 spaces or one space per 3,500 square feet of office.

**Finding 101:** The proposed development requires 382 bicycle spaces for multiple family units, 31 bicycle spaces for eating and drinking establishments, 4 bicycle spaces for retail sales, and 4 bicycle spaces for offices; or a minimum of 421 bicycle parking spaces. 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.

▪ ***Bicycle Parking Location (SRC 806.060(a)):***

Short–term bicycle parking must be located outside of a building within a convenient distance of, and clearly visible from, the primary building entrance. It cannot be located more than 50 feet from the primary entrance. Long–term bicycle parking must be located within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator or, on–site, outside of a building, in a well–lighted, secure location that is sheltered from precipitation and within a convenient distance of the primary entrance. Long–term bicycle parking for residential uses must be located within a residential dwelling unit, a lockable garage, a restricted access lockable room serving an individual dwelling unit or multiple dwelling units, a restricted lockable bicycle enclosure, or a bicycle locker. Long–term bicycle parking for non–residential use must be located within a restricted access lockable room, a lockable bicycle enclosure or a bicycle locker.

**Finding 102:** The proposed development includes a combination of 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. 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)):***

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.

**Finding 103:** 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.

- ***Bicycle Parking Dimensions (SRC 806.060(c)):***

**Finding 104:** 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).

- ***Bicycle Parking Surfacing (SRC 806.060(d)):***

**Finding 105:** 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

- ***Bicycle Racks (SRC 806.060(e)):***

The standards in SRC 806.060(e) require bicycle racks support 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; to allow the bicycle frame and at least one wheel to be locked to the rack with a high security U-shaped shackle lock; to be of a material that resists, cutting, rusting, and bending or deformation; and to be securely anchored.

**Finding 106:** 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. Where there are 200 or more multiple family dwelling units, at least 3 off-street load spaces are required. For retail sales and service uses and office uses that are between 5,000 and 60,000 square feet, one off-street loading space is required. Loading spaces for multiple family and office uses must be 12' wide, 19' long, and 12 high. Loading spaces for retail sales and service uses must be 12' wide, 30' long, and 14 high.

**Finding 107:** 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***

**Finding 108:** 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 required:

**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)***

**Finding 109:** 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 protects Heritage trees, significant trees, trees and native vegetation in riparian corridors and trees on lots or parcels 20,000 square feet in size 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.

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):***

**Finding 110:** 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.

***SRC Chapter 810 (Landslide Hazards)***

**Finding 111:** 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 112:** 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. This decision has required 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. (See Condition of Approval 29.) 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 113:** The proposal includes three 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, stop signs and stop bars behind the Front Street NE sidewalk at each of the three (3) new driveway approaches serving the site should be required. This condition will ensure that driveways facilitate safe and efficient movement of vehicles and limit conflicts with pedestrian and bicycles using adjacent facilities. The following condition of approval is necessary 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 114:** Subsequent to the construction of City infrastructure required to serve the proposed subdivision as conditioned under Section 8 of this report, water, sewer, and stormwater facilities will be adequate to serve the proposed development and this approval criterion will be met.

## **10. Analysis of Class 1 Adjustment Approval Criteria**

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:

***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.**

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

1. *An increase to the maximum allowed building height for proposed Buildings 1, 2, and 3 from the 70 feet required by SRC 536.05(d) to 74 feet.*

**Finding 115:** 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 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.

2. *A reduction to the minimum required amount of ground floor windows on building facades along the riverfront from 56 percent required by SRC 536.015(g), to about 60 percent for Building 1; to 56 percent for Building 2, and to 52 percent for Building 3.*

**Finding 116:** 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 buildings. 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.

3. *A reduction to the driveway spacing between the proposed driveway approaches at the Gaines Street Entrance and the Market Street Entrance to 332 feet, a distance less than the 370 feet required by SRC 804.035(d).*

**Finding 117:** 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.

The underlying purpose of the minimum driveway spacing standard is 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 Street 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 118:** 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.

## **11. Analysis of Class 2 Adjustment Approval Criteria**

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

***SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:***

- (iii) Clearly inapplicable to the proposed development; or***
- (iv) Equally or better met by the proposed development.***

1. *Elimination of the minimum 5-foot landscape setback for parking and vehicle use areas abutting interior property lines required SRC 536.015(c);*

**Finding 119:** 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. 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.

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 or 5-foot-wide paved pedestrian path between the buildings and any parking and vehicle use areas on site. This approval criterion is met.

2. *Elimination of the minimum 5-foot landscape setback for parking garages abutting interior property lines required under SRC 806.035(c)(5).*

**Finding 120:** 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. 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.

Since the underlying purpose of the perimeter parking garage setback abutting interior property lines is buffer the parking garage from abutting properties, the entire site is being developed as one mixed-use community where a need for buffers is minimized. 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.

3. *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.*

**Finding 121:** 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 mixed-use 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.

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.

4. *Allowing two of the proposed off-street loading spaces within the development to be located within a driveway.*

**Finding 122:** 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 warrants 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.

5. *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.*

**Finding 123:** 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.

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.

6. *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.*

**Finding 124:** 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 noted above, 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.

7. *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).*

**Finding 125:** 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.

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. 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.

8. *Allowance of an alternative vision clearance area standard, pursuant to SRC 805.015, for the proposed driveway approach at the Market Street Entrance.*

**Finding 126:** 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. In the present case, the applicant has requested approval of an alternative vision clearance standard, pursuant to SRC 805.015, for the Market Street Entrance driveway approach.

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.

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 also 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 applicant's proposal satisfies the intent of the development standard. Under the Site Plan Review approval criteria, the applicant must 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. 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.

9. *Allowance of an alternative vision clearance area standard, pursuant to SRC 805.015, for the proposed driveway approach at the Belmont Alley.*

**Finding 127:** As noted above, 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.

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 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 applicant's proposal satisfies the intent of the development standard. Under the Site Plan Review approval criteria, it was conditioned 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. 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 128:** 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 129:** 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.

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 is 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.

## 12. 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: Gaines Street Entrance (Driveway Approach 1); Market Street Entrance (Driveway Approach 2); and Belmont Alley (Driveway Approach 3). 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:

***SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.***

**Finding 130:** 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.

The Development Services Division indicated 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. 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 131:** 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 132:** 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 133:** 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 134:** 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 135:** 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 ensure that 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 136:** 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 conclusion is verified through the review by the Development Services Division. 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 137:** 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 138:** 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.

## DECISION

Based upon the Facts and Findings herein, the Hearings Officer **APPROVES** the collective applications for a Class 2 Willamette Greenway Development Permit, a Subdivision Tentative Plan, a Class 3 Site Plan Review, a Class 1 Adjustment, a Class 2 Adjustment, and a Class 2 Drive Approach Permit for property located in the 1100 to 1400 Blocks of Front Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22AB00300, 073W22AB00600, and 073W22AB00900), subject to the following conditions of approval:

A. **APPROVE** the Class 2 Willamette Greenway Development Permit subject to the following conditions of approval:

**Condition 1:** The colors for Buildings 3, 4, 5 and 6 shall be from within the natural earth or leaf tone 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 dedication of public access and/or utility easements, the applicant shall provide evidence that the area subject to the easement is 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 that benefits Lots 1 through 4 with 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 of 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 existing 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 public utility (water, sewer, stormwater) infrastructure on the site that is planned to remain. Prior to final occupancy, the applicant shall dedicate easements for access and infrastructure specific to serve each building on the site. Easements for public access and infrastructure shall meet the 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 construct street improvements along Front Street NE. The required improvements shall consist of one of the following options. Prior to final plat approval, 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.

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 shown in Attachment J to the staff report, and shall include:

1. 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.

2. 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 NE.
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.

Option 2: (Full street improvement with full movement). The improvement shall be as shown in the preliminary concept for Option 2, as shown in Attachment K to the staff report, and shall 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 or delayed pursuant to an improvement agreement per SRC 205.035(c)(7)(B), the applicant shall work directly with franchise utility companies and provide a plan and 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 the site earthwork for each building lot 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 of Table 536–6 of SRC 536.015(g):

- 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. The final plat is not necessary prior to

the issuance of Erosion Control, Clearing and Grubbing, Civil Site Work, 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 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.

DATED: October 4, 2024

  
\_\_\_\_\_  
Gary Darnielle, Hearings Officer