

## 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 PLANNING ADMINISTRATOR

**CLASS 1 WILLAMETTE GREENWAY PERMIT / CLASS 2 ADJUSTMENT /  
CLASS 2 DRIVEWAY APPROACH CASE NO.: WGP-ADJ-DAP22-01**

**APPLICATION NO.: 22-113291-ZO / 22-113292-ZO / 22-113294-ZO**

**NOTICE OF DECISION DATE:** September 8, 2022

**SUMMARY:** A request for a Willamette Greenway Permit and Driveway Approach Permit for a previously approved commercial shell building.

**REQUEST:** A request for a Class 1 Willamette Greenway Development Permit and a Class 2 Driveway Approach Permit related to a previously approved commercial shell building (SPR-ADJ-DAP-WGP18-14), with a Class 2 Adjustment request to:

- 1) Reduce the driveway spacing onto an arterial street from 370 feet to 220 feet; and
- 2) Eliminate the vehicle use area setback requirement to an interior property line.

For property approximately 2.58 acres in size, zoned EMSU (Edgewater/Second Street Mixed-Use Corridor), and located at 1690 Edgewater Street NW - 97304 (Polk County Assessors Map and Tax Lot numbers: 073W28C / 00200, 00203, and 00204).

**APPLICANT:** Steve Ward, Westech Engineering Inc

**LOCATION:** 1690 Edgewater St NW

**CRITERIA:** Salem Revised Code (SRC) Chapters 600.015(e)(1) – Class 1 Willamette Greenway Permit; 220.005(f)(3) – Class 2 Adjustment; and 804.025(d) – Class 2 Driveway Approach Permit

**FINDINGS:** The findings are in the attached Decision dated September 8, 2022.

**DECISION:** The **Planning Administrator APPROVED** Class 1 Willamette Greenway / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. WGP-ADJ-DAP22-01 subject to the following conditions of approval:

- Condition 1:** 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 2:** 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.

**Condition 3:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by September 27, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>July 29, 2022</u>
Notice of Decision Mailing Date:	<u>September 8, 2022</u>
Decision Effective Date:	<u>September 27, 2022</u>
State Mandate Date:	<u>November 26, 2022</u>

Case Manager: Aaron Panko, Planner III, [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net), 503-540-2356

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., Friday, September 23, 2022. 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, 220, and 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 Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer 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>

# BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

## DECISION

IN THE MATTER OF APPROVAL OF ) FINDINGS & ORDER  
CLASS 1 WILLAMETTE GREENWAY )  
PERMIT, CLASS 2 ADJUSTMENT, AND )  
CLASS 2 DRIVEWAY APPROACH PERMIT )  
CASE NO. WGP-ADJ-DAP22-01 )  
1690 EDGEWATER STREET NW - 97304 ) SEPTEMBER 8, 2022

In the matter of the application for Class 1 Willamette Greenway Permit, Class 2 Adjustment, and Class 2 Driveway Approach Permit applications submitted by the applicant Westech Engineering, Inc. represented by Steve Ward, on behalf of the property owner Edgewater Landing, LLC, represented by Paul Hammer, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

## REQUEST

Summary: A request for a Willamette Greenway Permit and Driveway Approach Permit for a previously approved commercial shell building.

Request: A request for a Class 1 Willamette Greenway Development Permit and a Class 2 Driveway Approach Permit related to a previously approved commercial shell building (SPR-ADJ-DAP-WGP18-14), with a Class 2 Adjustment request to:

- 1) Reduce the driveway spacing onto an arterial street from 370 feet to 220 feet; and
- 2) Eliminate the vehicle use area setback requirement to an interior property line.

For property approximately 2.58 acres in size, zoned EMSU (Edgewater/Second Street Mixed-Use Corridor), and located at 1690 Edgewater Street NW - 97304 (Polk County Assessors Map and Tax Lot numbers: 073W28C / 00200, 00203, and 00204).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

## PROCEDURAL FINDINGS

### 1. Background

On October 30, 2018, a Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Willamette Greenway Permit collective application (Case No. SPR-ADJ-DAP-WGP18-14) was approved for the development of a new phased commercial shell building, with associated parking area and landscaping, for the subject property. At the time this collective application was submitted, the subject property was zoned CG (General Commercial), however, the subject property was rezoned to ESMU (Edgewater/Second Street Mixed-Use Corridor) in June of 2018 with the adoption of Ordinance 3-18. Per SRC 300.220(e), approval or denial of the

application shall be based upon the standards and criteria that were in effect at the time the application was first submitted. The use and development standards of the CG zone were applied to SPR-ADJ-DAP-WGP18-14.

On November 15, 2020, the Adjustment, Driveway Approach Permit, and Willamette Greenway Permit expired, however the Site Plan Review application remains valid until November 15, 2022.

On June 28, 2022, a consolidated application for a Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Willamette Greenway Permit was filed for the proposed development seeking approval of a development plan that is in substantial conformance with SPR-ADJ-DAP-WGP18-14. After additional information was provided, the applications were deemed complete for processing on July 29, 2022. The 120-day state mandated decision deadline for this consolidated application is November 26, 2022.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria is included as **Attachment C**.

## **SUBSTANTIVE FINDINGS**

### **2. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 113291.

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

The subject property is located within the boundaries of the West Salem Neighborhood Association (WSNA).

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On June 27, 2022, the applicant provided an email to the WSNA chair and land use chair informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to WSNA pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

Homeowners Association: The subject property is not located within a Homeowners Association.

#### Public Comment

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. One public comment was received during the comment period indicating no objections to the proposal.

#### **4. City Department Comments**

Public Works Department - Reviewed the proposal and provided a memo which is included as **Attachment D**.

Building and Safety Division - Reviewed the proposal and indicated no site concerns.

Fire Department - Reviewed the proposal and indicated no site concerns. The Fire Department will address issues including access and water supply at the time of building permit plan review.

#### **5. Public Agency Comments**

Salem Electric - Reviewed the proposal and noted a potential conflict with the driveway location and an existing power pole. The applicant shall coordinate with Salem Electric to avoid any conflict with existing facilities.

### **DECISION CRITERIA FINDINGS**

#### **6. Analysis of Class 1 Willamette Greenway Permit Approval Criteria**

Salem Revised Code (SRC) 600.015(e) provides that an application for a Class 1 Willamette Greenway Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

***SRC 600.015(e)(1)(A): The proposed intensification, development, or change of use is consistent with:***

*(i) The Willamette River Greenway Plan.*

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

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

**Finding:** The subject property does not have frontage along the Willamette River, and the proposed development site is located outside of the Willamette Riparian Buffer Area, therefore this standard is not applicable.

*(iii) The applicable standards of this chapter.*

**Finding:** Development within the Willamette Greenway Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in SRC Chapter 600.

SRC 600.020 – Uses

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

- (a) Uses in Riparian Buffer. The following uses and activities, when allowed in the underlying zone, shall be the only uses and activities allowed within the riparian buffer of the Willamette Greenway Overlay Zone:
- (1) Uses and activities excepted from a Greenway Development Permit under SRC 600.015(a)(2);
  - (2) Riparian restoration and enhancement activities; and
  - (3) Water-dependent and water-related uses and activities.

**Finding:** The 75-foot-wide Willamette River Greenway Buffer does not extend onto the subject property. No uses or activities are proposed within the riparian buffer.

SRC 600.025(a) – General Standards

- (1) Existing predominant topographical features of the bank and escarpment shall be preserved and maintained, with the exception of disturbance necessary for:
  - (A) The construction or establishment of a water-related, water-dependent, or river-oriented use or activity; and
  - (B) Measures necessary to reduce existing or potential bank and escarpment erosion, landslides, or flood hazard conditions.
- (2) The slope, soil characteristics, and other physiographic conditions existing within the land area between the ordinary low water line and the Willamette Greenway Boundary shall be considered to assure that the proposed intensification, development, or change of use will not adversely affect the stability of the land area.
- (3) The hydraulic effect of the Willamette River on the bank shall be considered in the design of any proposed intensification, development, or change of use.

- (4) The hydraulic and flood carrying capacity of the river shall be considered in the design of any proposed intensification, development, or change of use.
- (5) Impact on the riparian buffer resulting from the proposed intensification, development, or change in use shall be minimized.

**Finding:** Proposed development and construction activities will not infringe into the Riparian Buffer Area; this standard is not applicable.

SRC 600.025(b) – Landscaping

- (1) Landscaping shall conserve, or if disturbed by the development activity restore to the greatest extent possible, vegetative cover within the Willamette Greenway Boundary. Landscaping is not required where it would significantly interfere with a water-dependent or water-related use or activity.
- (2) Native vegetation removed from the riparian buffer shall be replaced with native vegetation which is compatible with and enhances the functions of the riparian buffer.
- (3) Trees and shrubs shall be provided as follows:
  - (A) A minimum of 1 tree shall be provided for every 20 feet of river frontage.
  - (B) A minimum of 1 shrub shall be provided for every 2 feet of river frontage.
  - (C) All trees and shrubs shall be planted within and generally riverward of the Willamette Greenway Boundary.
  - (D) The planting standards included under subparagraphs (A) and (B) of this paragraph are for calculation purposes only, and do not require linear planting. Groupings of trees, shrubs, or both are encouraged, particularly along the riverbank.
- (4) Areas which are not paved or revetted shall be planted with living ground cover.

**Finding:** The subject property does not have frontage along the Willamette River, the proposed development will not disturb existing vegetative cover within the Willamette Greenway Riparian Buffer. No riparian area replanting is required for this development.

SRC 600.025(c) – Water Quality

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

**Finding:** The subject property does not have frontage along the Willamette River, and the proposed development site is located outside of the Willamette Riparian Buffer Area, therefore this standard is not applicable.

SRC 600.025(d) – Structures

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

**Finding:** The proposed building is separated from the Willamette River by Highway 22 and is not visible from the Willamette River; therefore, this standard is not applicable.

SRC 600.025(e) – Lighting

- (1) Lighting shall not flash, if visible from the Willamette River, and shall not be focused or oriented onto the surface of the Willamette River.
- (2) The maximum aggregate intensity of all lighting falling on the surface of the Willamette River shall not exceed one-tenth foot-candle per square foot.
- (3) No red or green lights shall be visible from the Willamette River.
- (4) Notwithstanding any other provision of this section, lighting necessary for safety of pedestrians may be provided for public or private walkways.

**Finding:** Flashing lights and red or green lights will not be directed towards or be visible from the Willamette River. All exterior lighting will be designed to comply with the general development requirements of the UDC, which prohibit exterior lighting from shining or reflecting onto adjacent properties or cast glare onto the public right-of-way.

SRC 600.025(f) – Screening of Parking and Unenclosed Storage

Parking, loading, and unenclosed storage areas shall be screened from the Willamette River and from adjacent properties by:

- (1) A sight-obscuring berm; or
- (2) A sight-obscuring hedge, a minimum of 6 feet in height at maturity.  
Hedges shall, when planted, be no less than 3 feet in height and shall be of a species capable of attaining a minimum height of 6 feet within 3 years after planting.

**Finding:** The proposed off-street parking area is separated from the Willamette River by Highway 22 and is not visible from the Willamette River; therefore, this standard is not applicable.

SRC 600.025(g) – View Corridors

- (1) Whenever right-of-way located wholly or partially within the Willamette Greenway Overlay Zone is vacated, the city shall retain a scenic easement or other equivalent interest in the area vacated to provide visual access to the Willamette River across the entire width of the vacated right-of-way, or for a width of 30 feet, whichever is less, and along the entire



length of the vacated right-of-way. Subject to approval by the City Council, the abutting property owner, or owners, may substitute an area with equivalent size and dimensions under like restriction, if the substitute area provides comparable or better visual access to the Willamette River.

- (2) The area covered by the scenic easement or other equivalent interest shall be limited to use for walkways, bicycle paths, and berms or landscaped areas; provided, however, that within an area of 7.5 feet on either side of the centerline of the scenic easement or other equivalent interest, landscaping and berms shall not exceed 3 feet in height.

**Finding:** No portion of right-of-way is being vacated with this request, this standard is not applicable.

SRC 600.025(h) – Public Access

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

**Finding:** The proposed development does not have frontage along the Willamette River; therefore, this standard is not applicable.

SRC 600.015(f) – Conditions of Approval

- (1) Conditions may be imposed on any Greenway Development Permit necessary to insure that proposed intensification, development, or change of use complies with the Willamette River Greenway Plan and the purpose of this Chapter, and preserves and enhances the natural, scenic, historic, and recreational qualities of the Willamette River Greenway.
- (2) In addition to any conditions imposed under paragraph (1) of this subsection, every Greenway Development Permit shall include the following conditions:

**Condition 1:** 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 2:** 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.

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

**Finding:** The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater

infrastructure to the maximum extent feasible. The south and east vegetated swales are located within right-of-way that is under the jurisdiction of the Oregon Department of Transportation. The applicant shall obtain the applicable permits and coordinate the construction of the vegetated swales with the Oregon Department of Transportation.

***SRC 600.015(e)(1)(B): The proposed intensification, development, or change of use complies with all applicable development standards in the UDC.***

**Finding:** A complete summary of the applicable development standards in the UDC for this development was included in the Class 3 Site Plan Review findings for SPR-ADJ-DAP-WGP18-14. The Site Plan Review decision became effective on November 15, 2018 and shall remain valid until November 15, 2022 unless development has commenced in compliance with the land use approval. No time extensions are allowed for Class 3 Site Plan Review applications. Per SRC 300.850(a)(2) where the decision involves work for which a building permit is required, no exercise of the rights granted under the land use action shall be deemed to have commenced until a building permit has been issued. If development has not commenced prior to the expiration date, then a new Site Plan Review application will be required to develop the subject property and the use and development standards of the ESMU zone will be applied to the new request.

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

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

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

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

**Finding:** The applicant is requesting two Class 2 Adjustments to:

- 1) Reduce the driveway spacing onto an arterial street from 370 feet to 220 feet; and
- 2) Eliminate the vehicle use area setback requirement to an interior property line.

***Reduce the driveway spacing on a major arterial street from 370 feet per SRC 804.035(d) to 220 feet.***

The applicant is requesting a Class 2 adjustment to allow for reduced spacing between driveways less than the standard of 370 feet. An existing driveway is located 220 feet west of the subject property. Pursuant to SRC 804.035(a)(1), the proposed driveway is warranted because the development has more than 370 feet of frontage and is proposing a shared access with the adjacent property to the east. The proposed

driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard. Staff finds the proposal will equally or better meet the purpose underlying the standard in question.

*Eliminate the vehicle use area setback requirement to an interior property line.*

The subject property consists of three separate tax lots. Per Table 534-3, there is no minimum building setback required adjacent to the interior property lines in the ESMU Zone, however, there is a minimum 5-foot setback required for vehicle use areas adjacent to interior property lines.

The applicant indicates that the proposed development site consists of multiple contiguous lots that are under common ownership and will be accommodating a single development. Vehicle use areas will need to encroach into the interior lot line setback in order to provide a functionally integrated parking lot design to serve multiple proposed uses on the development site. The intent of the vehicle use area setback requirement is to provide screening and separation between separate abutting uses. Because the proposed development, which spans over three lots, will function as one development site with integrated and shared parking, the purpose of the screening standard is not applicable for this development scenario. Staff finds the proposal will equally or better meet the purpose underlying the standard in question.

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

**Finding:** The subject property is located within the ESMU (Edgewater/Second Street Mixed-Use) zone. While this zone allows for a variety of residential uses, it is not a residential zone; therefore, the criterion is not applicable.

***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:** Two separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code. Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

**Condition 3:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

## **8. Analysis of Class 2 Driveway Approach Permit Approval Criteria**

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

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

**Finding:** The proposed driveway is located less than 370 feet from adjacent street intersections; therefore, a Class 2 Adjustment is required for driveway spacing as described below. Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS.

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

**Finding:** There is an existing Salem Electric Power Pole that is within approximately 20-feet of the proposed driveway location. Comments received from Salem Electric indicate this may cause a conflict with the pole. At time of Building Permit Review, the applicant shall ensure there are no conflicts between the proposed vehicular access and the existing Salem Electric pole.

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

**Finding:** The existing shared driveway is located at the east line of the subject property. Exclusive access from that driveway does not provide sufficient circulation for the entire development. The additional access proposed to the Arterial street is warranted.

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

***(A) Is shared with an adjacent property; or***

***(B) Takes access from the lowest classification of street abutting the property***

**Finding:** The subject property abuts only one street, which has a Minor Arterial classification. The proposed driveway approaches are shared among the adjacent parcels.

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

**Finding:** The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

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

**Finding:** No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, our analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

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

**Finding:** Our analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

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

**Finding:** The proposed driveway approach is located on a Major Arterial street and does not create a significant impact to adjacent streets and intersections.

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

**Finding:** The residentially zoned area north of the development does not have any direct access to Edgewater Street NW and the driveway will not have an effect on the functionality of the adjacent streets.

## **9. Conclusion**

Based upon review of SRC Chapters 600, 250, and 804, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

Final approval of Class 1 Willamette Greenway Permit, Class 2 Adjustment, and Class 2 Driveway Approach Permit Case No. WGP-ADJ-DAP22-01 is hereby **APPROVED** subject to SRC Chapters 600, 250, and 804, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

**Condition 1:** 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 2:** 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.

**Condition 3:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.



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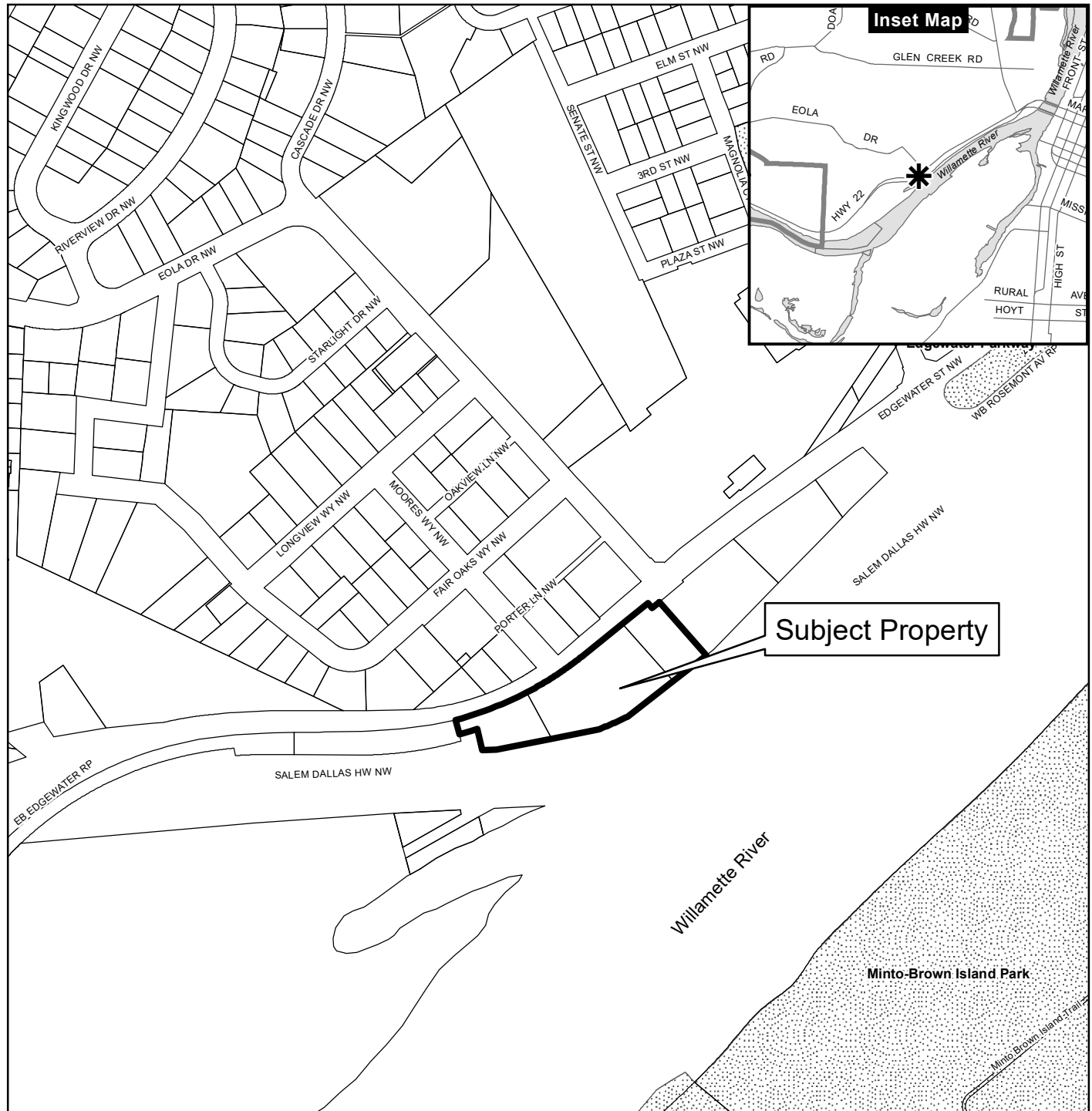
Aaron Panko, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments: A. Vicinity Map  
B. Proposed Development Plans  
C. Applicant's Written Statement  
D. Public Works Memo

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

# Vicinity Map

## 1690 Edgewater Street NW



### Legend

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

- Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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0 100 200 400 Feet



DRAWINGS FOR:

EDGEWATER LANDING

1690 EDGEWATER STREET NW

SALEM, OR 97304

FOR:

EDGEWATER LANDING, LLC

PO BOX 5348

SALEM, OR 97304

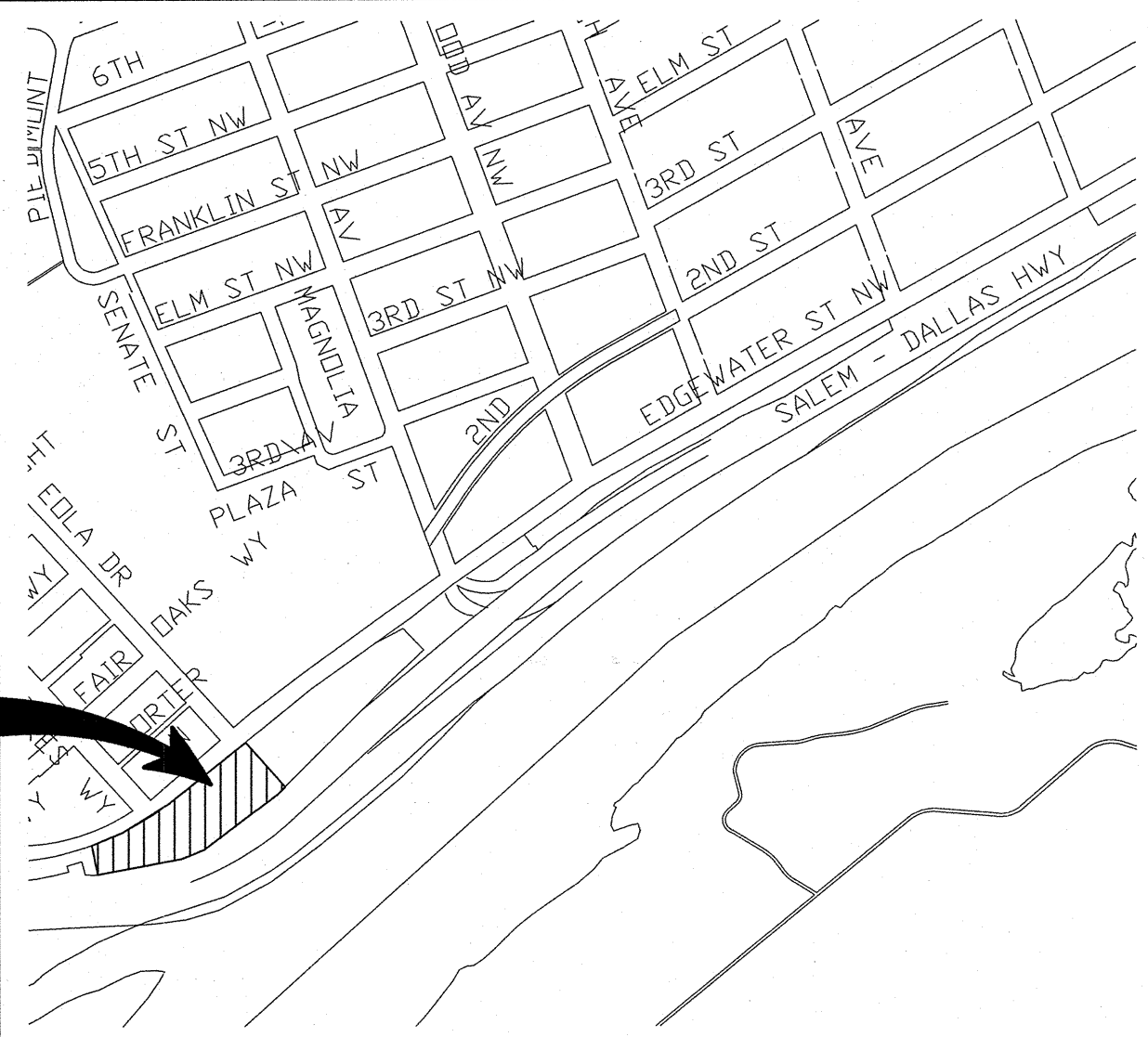
CONTACT: PAUL HAMMER 503-881-6408

DRAWING INDEX

DWG	TITLE
C1.0	COVER SHEET, VICINITY & LOCATION MAPS, DRAWING INDEX
C1.1	CONSTRUCTION NOTES
C1.2	CONSTRUCTION NOTES
C2.0	EXISTING CONDITIONS, EROSION CONTROL, & DEMOLITION PLAN
C2.1	EROSION CONTROL NOTES & DETAILS
C2.2	EROSION CONTROL NOTES & DETAILS
C2.3	EROSION CONTROL NOTES & DETAILS
C2.4	POST CONSTRUCTION EROSION CONTROL PLAN
C3.0	SITE PLAN
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C4.0	GRADING & DRAINAGE PLAN
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C6.0	EDGEWATER STREET IMPROVEMENTS
C6.1	EDGEWATER STREET IMPROVEMENTS
C6.2	EDGEWATER CROSS SECTIONS
C6.3	EDGEWATER CROSS SECTIONS
C6.4	SIGNING, STRIPING, & LIGHTING PLAN (PHASE II)
C6.5	STRIPING LEGEND & NOTES
C7.0	CIVIL DETAILS
C7.1	CIVIL DETAILS

Attachment B

PROJECT LOCATION



VICINITY MAP

GENERAL LEGEND

ITEM	PROPOSED	EXISTING
SANITARY SEWER	—SS—	—SS—
STORM DRAIN	—SD—	—SD—
WATER	—W—	—W—
GAS	—G—	—G—
TELEPHONE	—T—	—T—
POWER	—P—	—P—
FENCE	—X—X—	—X—X—
BARRICADE	—B—	—B—
TELEPHONE MANHOLE	—TM—	—TM—
TELEPHONE PEDESTAL	—TP—	—TP—
SANITARY SEWER MANHOLE	—SM—	—SM—
STORM DRAIN MANHOLE	—SDM—	—SDM—
CATCH BASIN	—CB—	—CB—
FIRE HYDRANT AND VALVE	—FH—	—FH—
WATER METER	—WM—	—WM—
WATER VALVE	—WV—	—WV—
POWER POLE	—PP—	—PP—
POWER POLE W/ANCHOR	—PPA—	—PPA—
POLE W/LUMINARE	—PL—	—PL—
LIGHT POLE	—LP—	—LP—
SIGN POST	—SP—	—SP—
MAILBOX	—MB—	—MB—
HEDGE OR BRUSH	—HB—	—HB—
TREES	—T—	—T—
STREET OR ALLEY RIGHT OF WAY	—R/W—	—R/W—
PLATTED LOT LINE	—PL—	—PL—
OWNERSHIP LINE	—O—	—O—
EASEMENT OR TEMPORARY RIGHT OF WAY	—E—	—E—
PROJECT CENTERLINE AND	—PC—	—PC—



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BENCHMARK UTILIZED:

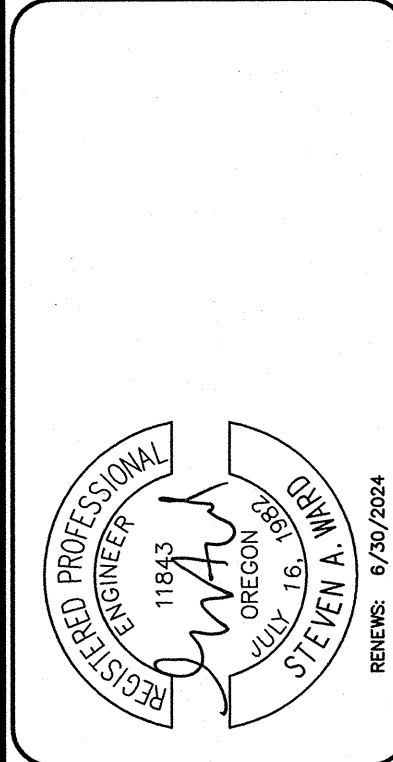
"PID QED531" (SALEM, POLK, OREGON)

ELEV: 147.69 (NGVD 29)

BENCHMARK DESCRIPTION:

650' W. FROM THE INTERSECTION OF EDLA DR. N.W. AND EDGEWATER ST. N.W. 45' S. OF EDGE WATER IN GRAVEL DRIVE, 9' S. OF ABANDONED TRACK AND 15' W. OF CHAIN LINK FENCE. BRASS CAP SET IN CONCRETE "US ARMY OF ENGINEERS PORTLAND DISTRICT"

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WESTECH ENGINEERING, INC.  
CONSULTING ENGINEERS AND PLANNERS

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302  
Phone: (503) 585-2474 Fax: (503) 585-3886  
E-mail: westech@westech-eng.com

EDGEWATER LANDING, LLC

EDGEWATER LANDING

COVER SHEET,  
VICINITY & LOCATION MAPS,  
& DRAWING INDEX

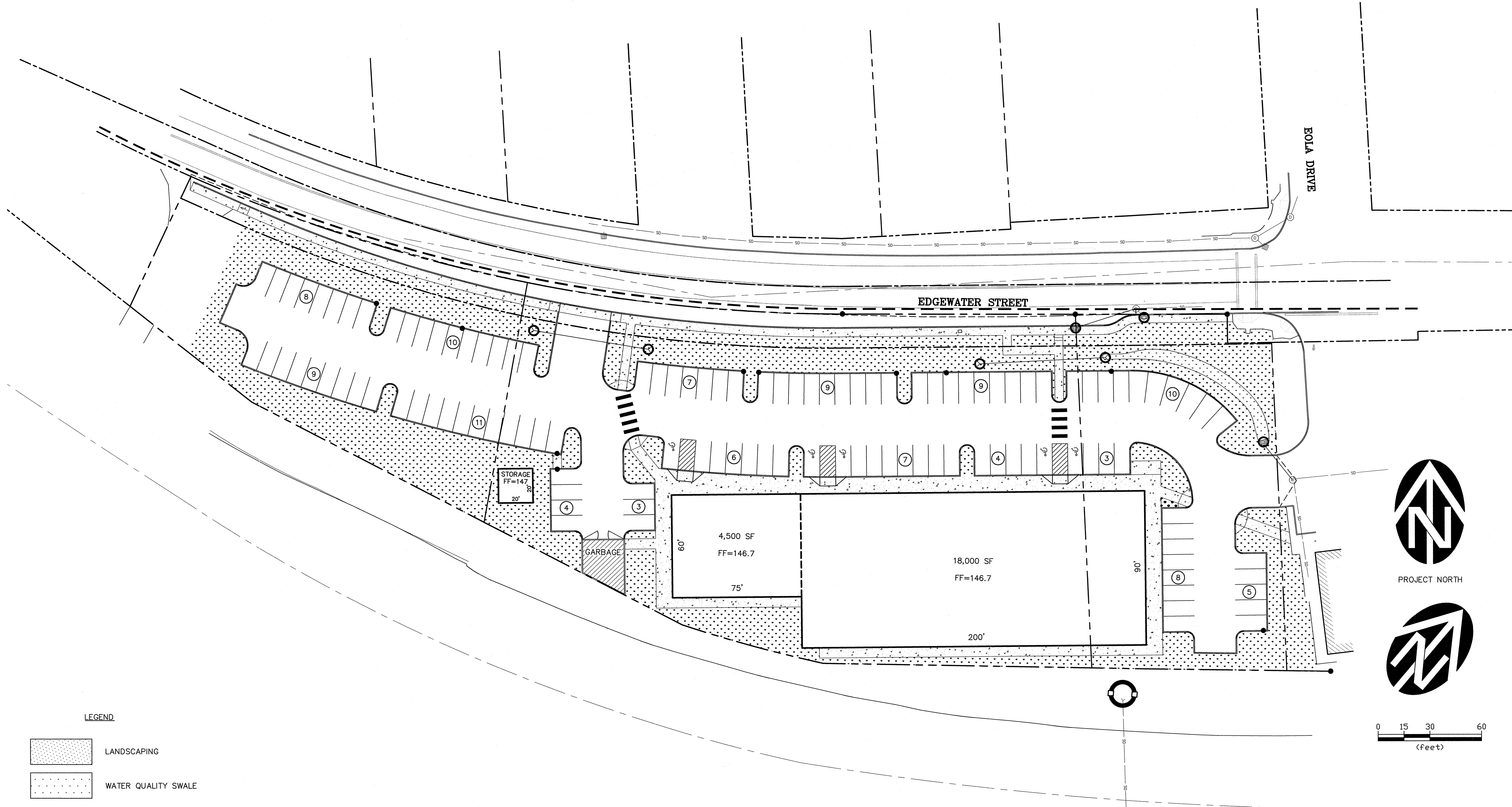
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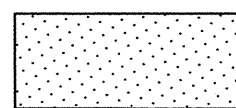




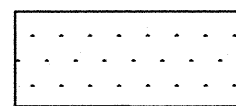
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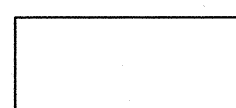
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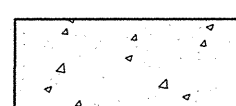
LANDSCAPING



WATER QUALITY SWALE



AC PAVEMENT/BUILDING



SIDEWALK



BIO BAGS/CHECK DAM



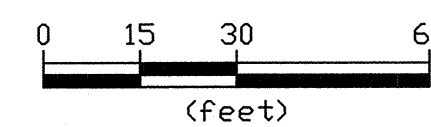
SILT SACK INLET PROTECTION



BIOBAG INLET PROTECTION



PROJECT NORTH

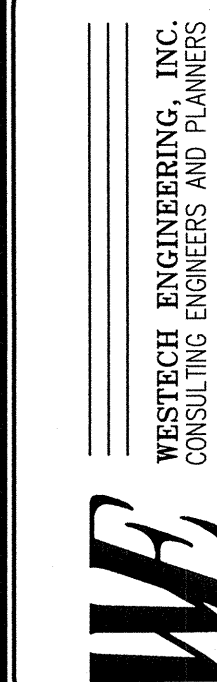


EDGEWATER LANDING, LLC  
EDGEWATER LANDING

POST CONSTRUCTION EROSION  
CONTROL PLAN

DRAWING  
C2.4

JOB NUMBER  
1902.2000.0



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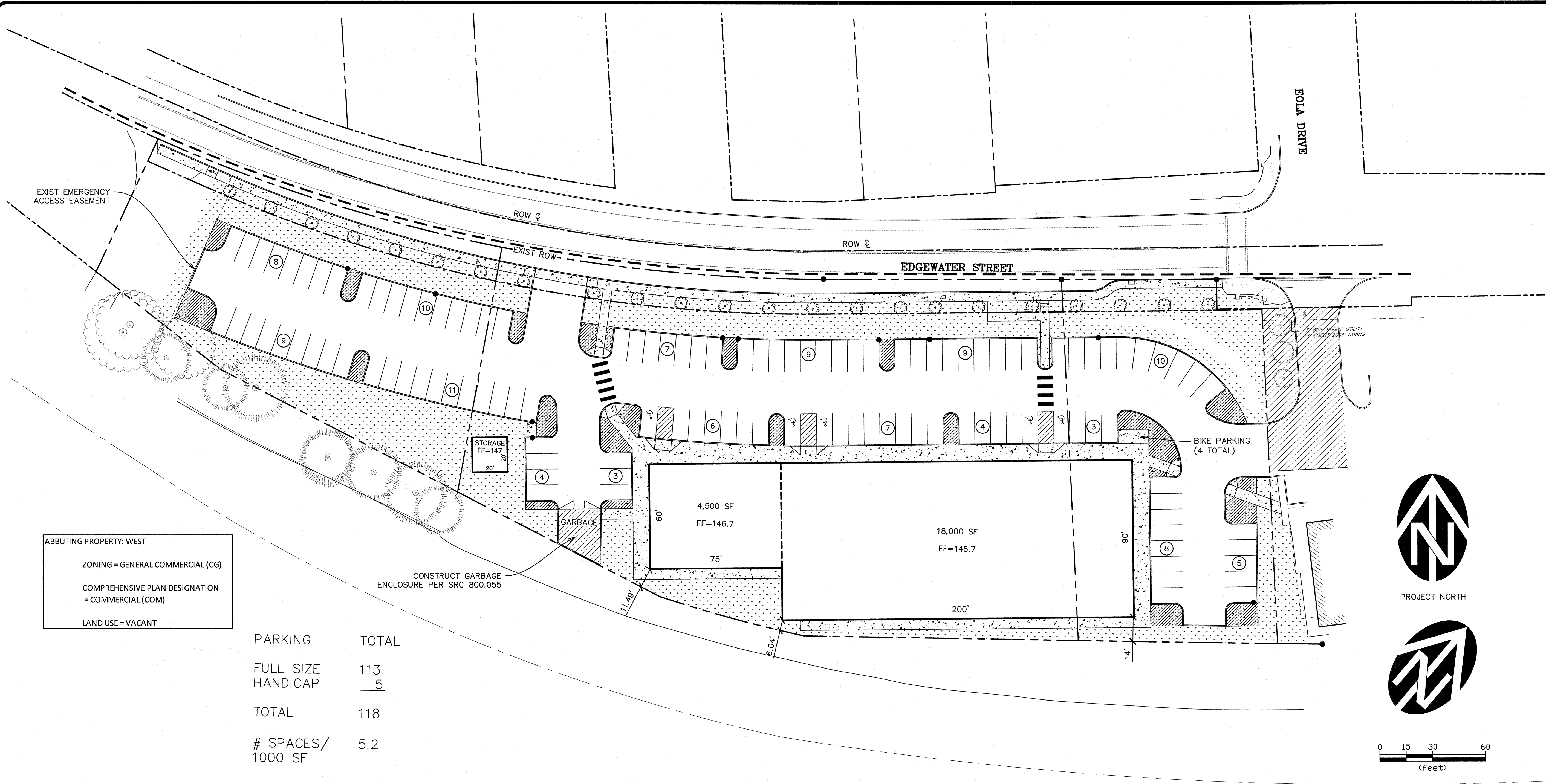
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DSN. SAW  
DRN. AR  
CKD. SAW  
DATE: MAY 2017

NO.	DATE	DESCRIPTION	BY
2	06/27/22	UPDATED/ELIMINATED PHASING	AK
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PARKING	TOTAL
FULL SIZE	113
HANDICAP	5
TOTAL	118
# SPACES/ 1000 SF	5.2

		TOTAL
BUILDING SIZE	22,900 SF	22.7%
PARKING LOT (INC LANDSCAPING)	45,789 SF	45.4%
PARKING LOT LANDSCAPING	3,954 SF	8.6% *
PERIMETER LANDSCAPING	24,635 SF	24.5%
SIDEWALKS	7,436 SF	7.4%
TOTAL SITE	100,750 SF	100%
NOTE: * % OF PARKING LOT AREA		

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1" = 30'

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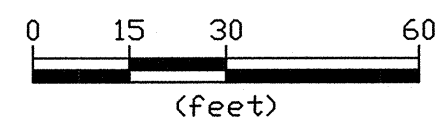
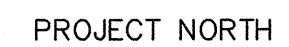
SITE PLAN

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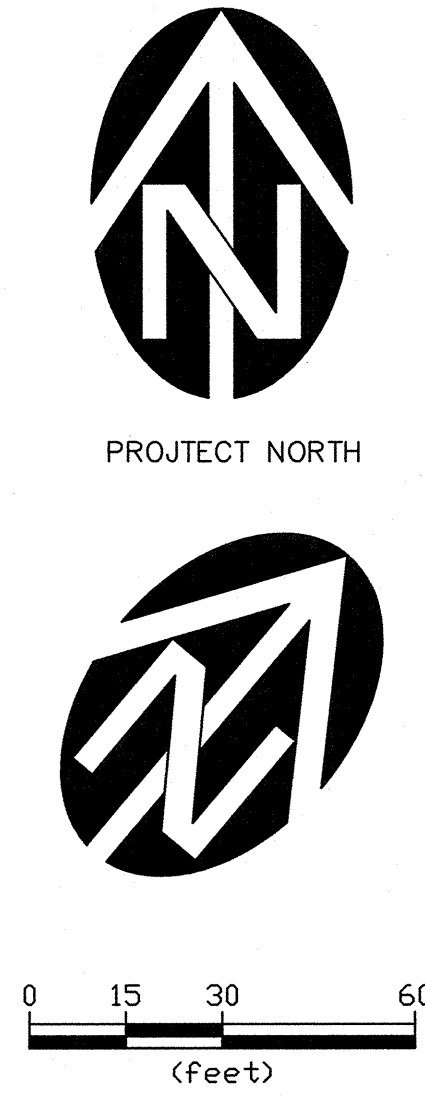
REVISIONS

NO.	DATE	DESCRIPTION	BY
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2	06/27/22	UPDATED/ELIMINATED PHASING	AK



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[illegible]



### Conformance with Willamette River Greenway Plan

The proposed development will enhance both the scenic and economic resources of the Willamette River corridor to help meet the goals of the Willamette River Greenway Plan. The existing site is covered in pavement, gravel, and buildings for industrial storage with limited landscaped areas. The proposed development will replace the industrial structures with new retail commercial buildings and provide landscaping for approximately 30% of the site.

The proposed development will meet applicable Greenway Development Standards of SRC Chapter 600 including structures, landscaping, water quality, mitigation measures, and lighting requirements.

The proposed new retail commercial buildings will meet the Greenway Development Standards outlined in SRC 600.025(d). The exterior of the proposed building and structures will consist of brick, concrete block, and stucco in the medium brown range. Exterior mechanical equipment will be obstructed from street-level view with walls of the same materials. All exterior colors and materials will match the style of the existing adjacent retail development to the east.

SRC 600.025(b)(1) requires vegetative cover to be conserved and/or restored to the greatest extent possible. As stated above, there is currently no landscaping or vegetative cover on the property to conserve or restore. The proposed development will vastly improve vegetative cover by providing landscaping for approximately 30% of the total site. The proposed development does not have any river frontage and is outside any planting zones described by the Willamette Greenway Riparian Buffer Enhancement Guide. As such, the planting requirements in SRC 600.025(b)(3) and the Enhancement Guide do not apply.

The Salem Dallas Highway is elevated above the proposed development and separates the development from the Willamette River. The proposed site is outside the floodway and therefore the riparian buffer required by SRC 600.025(c)(1) does not apply. The water quality standard is met by providing stormwater quality treatment facilities for the site as a mitigation measure. Detention facilities are not recommended due to close proximity to the River. It is recommended to quickly discharge site runoff to the Willamette River rather than delay discharge which will add to the peak flow of the River since the River will peak long after the storm event.

As mentioned above, the proposed development is separated from the Willamette River by the Salem Dallas Highway which is elevated above the proposed development. No lighting from the development will be visible from the Willamette River, meeting the lighting requirements in SRC 600.025(e).

New retail buildings and landscaping will improve aesthetics and promote economic growth for the Willamette River corridor, meeting the goals of the Willamette River Greenway Plan.

## Request to Adjust Minimum Driveway Spacing Allowed

The proposed commercial development at 1690 Edgewater Street NW includes a driveway access 220 feet from an existing driveway to the West. Edgewater Street NW is a minor arterial per the City's Street Classification System Map. Driveway approaches providing direct access to a minor arterial are required to be no less than 370 feet from the nearest driveway or street intersection per SRC 804.030(d). The applicant seeks a Class 2 Adjustment to allow a driveway spaced 220 feet from the nearest driveway or intersection, which deviates more than 20% from the SRC standard.

Access points to the proposed development include an existing shared driveway at the intersection of Edgewater Street and Eola Drive and a proposed designated driveway 450 feet west of the intersection. Please refer to the Civil Drawings submitted with the Land Use Application for proposed and existing driveway locations. The proposed development has an access easement for the shared driveway, but it is not part of the subject property.

The proposed designated driveway is at the same location as an existing driveway that served the previous rock supply business for many years without problems. The proposed development improves the driveway and widens it from approximately 20 feet to 30 feet.

The proposed designated driveway location is 450 feet from the nearest intersection/driveway to the East at the intersection with Eola Drive. This distance exceeds the City's minimum requirement of 370 feet. To the West, the nearest driveway is 220 feet away. This existing westerly driveway has steep grades and is guaranteed as an easement for emergency services to the property on the south side of Highway 22. Due to the steep grades and easement that must be honored, the proposed development cannot use this driveway. Additionally, the driveway is rarely used since it is for emergency services.

The proposed development has 670 feet of street frontage and only requests one designated driveway for the development. The subject property is divided into three parcels. The proposed designated driveway is located on the most westerly parcel, Parcel 3, which does not have a driveway access. Refer to the Proposed Lot Consolidation Plan sheet in the submitted Civil Drawings for parcel boundaries.





## **Edgewater Landing Adjustments to Landscape Setback (Class 2) – Written Statement**

### **Project Description:**

The proposed Edgewater Landing commercial development, at 1690 Edgewater Street NW lies on three tax lots, lots 200, 203, and 204, of Polk County Tax Map 7.3.28C.

Two Class 2 Adjustments to the landscape setback requirements are requested for the project at two internal shared property lines (one adjustment per property line) as outlined below. Please note that a separate Written Statement is provided for an adjustment request to the minimum driveway spacing.

### **Adjustments #1-2 Purpose:**

The proposed Edgewater Landing development lies on three adjacent tax lots. A shared parking lot is proposed to span the Edgewater Landing development and will span two internal lot lines for connectivity. Refer to the Drawings submitted with the Land Use Application for the proposed parking lot design and lot line locations.

Per SRC 806.035(c)(3) a 5-foot setback is required from internal property lines to parking spaces. Adjustments are requested to eliminate this setback requirement where the shared parking lot is proposed to cross the two internal property lines shared by the three lots composing the proposed Edgewater Landing project as indicated on the Drawings.

Below is the Criteria in *italics*, followed by the applicant's response.

### **Review Criteria per SRC 250.005:**

*(d)(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:*

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

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

Response for Adjustments 1-2: The intent of the 5-foot landscape setback required per SRC 806.035(c)(3) is to provide a buffer from vehicle traffic to an adjacent lot. The adjacent lots are part of a proposed single commercial development with shared parking lot along the internal property lines. Therefore, a landscape setback is clearly inapplicable.

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

Response for Adjustment 1-2: The project is not in a residential zone.

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

Response for Adjustment 1-2: The requested Adjustments to setbacks for parking areas and driveway spacing (see separate written statement) are consistent with the overall purpose of the zone.



Edgewater Landing  
Class 2 Driveway Approach

The proposed commercial development at 1690 Edgewater Street NW includes an improved driveway access towards the west end of the development. Edgewater Street NW is a minor arterial. The proposed driveway will provide shared access to tax lots 200 and 204 of Tax Map 07S03W28C (Parcels 2 and 3 on the submitted Civil Drawings). These lots, in addition to lot 203 (i.e. Parcel 1) are proposed for development of a 22,500 square foot mixed-use commercial retail building. Refer to the submitted Civil Drawings for the proposed development and driveway location. Given the proposed use of the site the driveway approach will be used for customer access to the building as well as access for business employees.

Access points to the proposed development include an existing shared driveway at the intersection of Edgewater Street and Eola Drive and the proposed designated driveway approximately 430 feet west of the intersection. Please refer to the Civil Drawings submitted with the Land Use Application for proposed and existing driveway locations. The proposed development has an access easement for the shared driveway, but it is not part of the subject property.

The proposed designated driveway is at the same location as an existing driveway that served the previous rock supply business for many years without problems. The proposed development improves the driveway and widens it from approximately 20 feet to 30 feet.

The proposed driveway is located 230 feet from the nearest existing driveway/intersection to the west, which is less than the required 370 feet per SRC 804.030(d). The nearest existing driveway/intersection to the east is 430 feet away at the intersection with Eola Drive. The existing westerly driveway has steep grades and is guaranteed as an easement for emergency services to the property on the south side of Highway 22. Due to the steep grades and easement that must be honored, the proposed development cannot use this driveway. Additionally, the driveway is seldom used since it is for emergency services.

Impact to traffic on Edgewater Street NW will be minimized by construction of a dedicated left-hand turn lane to serve the proposed new driveway.

The proposed driveway location minimizes the number of approaches to Edgewater Street NW and only requests one designated access for the development, which includes approximately 630 feet of street frontage. The subject property is divided into three parcels. The proposed designated driveway is located on the most westerly parcel, Parcel 3, which does not have a driveway access. Refer to the Proposed Lot Consolidation Plan sheet in the submitted Civil Drawings for parcel boundaries.



# MEMO

**TO:** Aaron Panko, Planner III  
Community Development Department

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer  
Public Works Department

**DATE:** September 7, 2022

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**WGP-ADJ-DAP22-01 (22-113291; 22-113294)**  
**1690 EDGEWATER STREET NW**  
**PHASED COMMERCIAL DEVELOPMENT**

## **PROPOSAL**

A request for a Class 1 Willamette Greenway Development Permit and a Class 2 Driveway Approach Permit related to a previously approved commercial shell building (SPR-ADJ-DAP-WGP18-14), with a Class 2 Adjustment request to:

1. Reduce the driveway spacing onto an arterial street from 370 feet to 220 feet; and
2. Eliminate the vehicle use area setback requirement to an interior property line.

For property approximately 2.58 acres in size, zoned EMSU (Edgewater/Second Street Mixed-Use Corridor), and located at 1690 Edgewater Street NW - 97304 (Polk County Assessors Map and Tax Lot numbers: 073W28C / 00200, 00203, and 00204).

## **SUMMARY OF FINDINGS**

The proposed development meets applicable criteria related to Public Works infrastructure.

## **FACTS**

### **Streets**

1. Edgewater Street NW
  - a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

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

- b. Existing Condition—This street has a minimum 32-foot improvement within a minimum 42-foot-wide right-of-way abutting the subject property.

### **Storm Drainage**

#### 1. Existing Condition

- a. A 12-inch storm main is located in Edgewater Street NW.

### **Water**

#### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 20-inch water main is located in Edgewater Street NW. Mains of this size generally convey flows of 5,900 to 13,700 gallons per minute.

### **Sanitary Sewer**

#### 1. Existing Condition

- a. A 24-inch sewer main is located in Edgewater Street NW.

### **CRITERIA AND FINDINGS- Class 2 Driveway Approach Permit**

**Criteria**—A Class 2 Driveway Approach Permit shall be granted if:

- (1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;**

**Finding**—The proposed driveway is located less than 370 feet from adjacent driveways; therefore, a Class 2 adjustment is required for driveway spacing as described below. Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS.

- (2) No site conditions prevent placing the driveway approach in the required location;**

**Finding**—There is an existing Salem Electric Power Pole that is within approximately 20 feet of the proposed driveway location. Comments received from Salem Electric indicate this may cause a conflict with the pole. At the time of

Building Permit Review, the applicant shall ensure there are no conflicts between the proposed vehicular access and the existing Salem Electric Power Pole.

**(3) The number of driveway approaches onto an arterial are minimized;**

**Finding**—The existing shared driveway is located at the east line of the subject property. Exclusive access from that driveway does not provide sufficient circulation for the entire development. The additional access proposed to the arterial street is warranted.

**(4) The proposed driveway approach, where possible:**

- i. **Is shared with an adjacent property; or**
- ii. **Takes access from the lowest classification of street abutting the property;**

**Finding**—The subject property abuts only one street, which has a minor arterial classification. The proposed driveway approaches are shared among the adjacent parcels.

**(5) Proposed driveway approach meets vision clearance standards;**

**Finding**—The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

**(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;**

**Finding**—No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, our analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

**(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;**

**Finding**—Our analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

**(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and**

**Finding**—The proposed driveway approach is located on a minor arterial street and does not create a significant impact to adjacent streets and intersections.

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

**Finding**—The residentially zoned area north of the development does not have any direct access to Edgewater Street NW and the driveway will not have an effect on the functionality of the adjacent streets.

**CRITERIA AND FINDINGS—Class 2 Adjustments**

Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(2) is as follows:

**Criteria**—The purpose underlying the specific development standard proposed for adjustment is:

1. Clearly inapplicable to the proposed development; or
2. Equally or better met by the proposed development.

**Finding**—The applicant is requesting a Class 2 adjustment to allow for reduced spacing between driveways less than the standard of 370 feet. An existing driveway is located 220 feet west of the subject property. Pursuant to SRC 804.035(a)(1), the proposed driveway is warranted because the development has more than 370 feet of frontage and is proposing a shared access with the adjacent property to the east. The proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

**CRITERIA AND FINDINGS—Willamette Greenway Development Permit**

**Criteria**—An application for a Class 1 greenway development permit shall be granted if all of the following criteria are met:

**(A)(iv) The proposed intensification, development, or change of use is consistent with, where applicable, the stormwater runoff water quality standards adopted and administered by the Public Works Department.**

**Finding**—The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the

maximum extent feasible. The south and east vegetated swales are located within right-of-way that is under the jurisdiction of the Oregon Department of Transportation. The applicant shall obtain the applicable permits and coordinate the construction of the vegetated swales with the Oregon Department of Transportation.

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cc: File